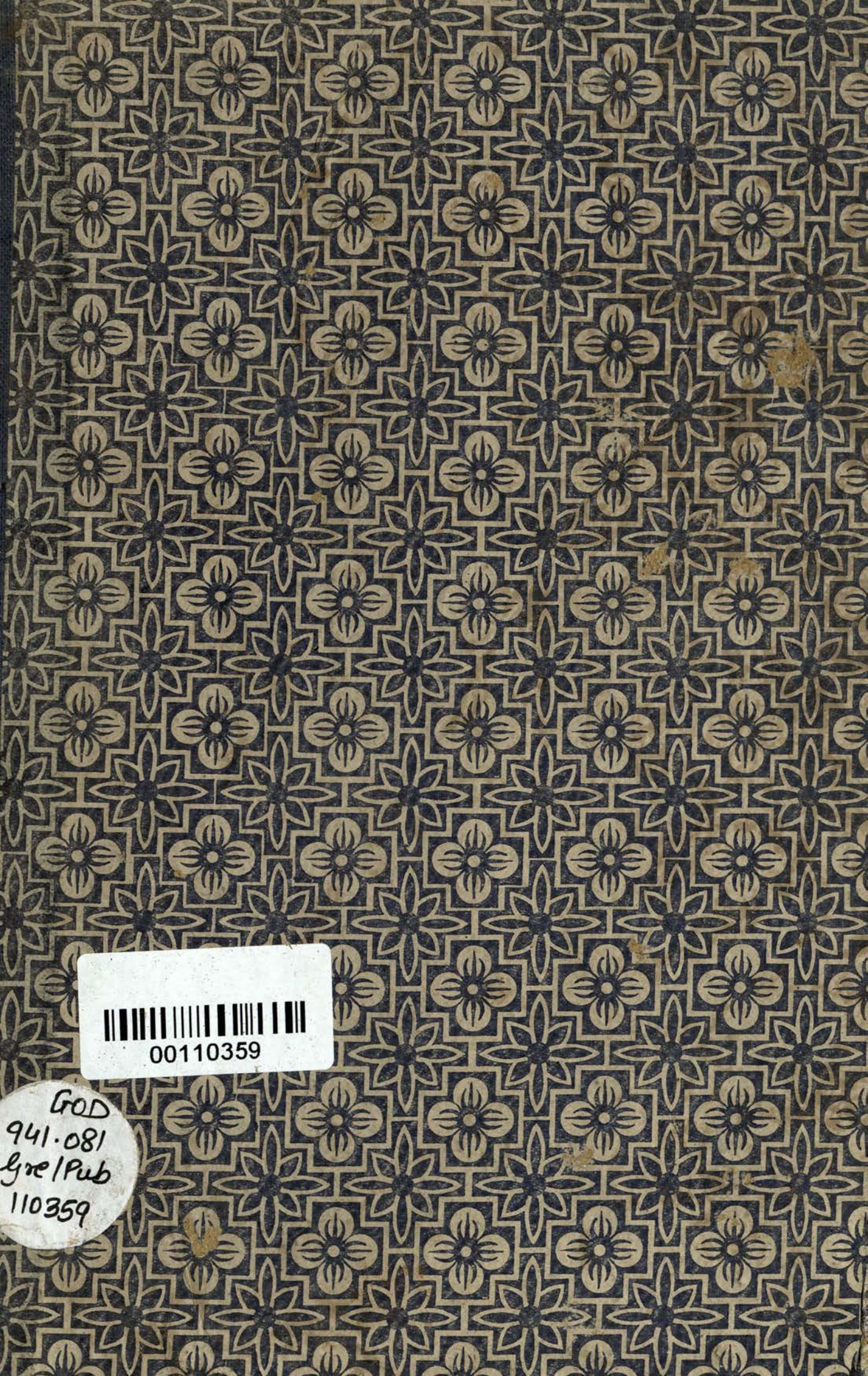
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THE

PUBLIC GENERAL STATUTES,

30 & 31 VICTORIÆ, 1867.

PASSED IN THE SECOND SESSION OF THE NINETEENTH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

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LIBRARY OF THE BOMBAY BRANCH OF THE ROYAL ASIATIC SOCIETY

THE IMPORTANT STATUTES ONLY ARE SET OUT AT LENGTH.

LONDON:
59, CAREY-STREET, LINCOLN'S-INN, W.C.

1867.

ROYAL ASIATIC SOCIETY BRANCH OF THE

PUBLIC GENERAL STATUTES, 1867.

30 & 31 VICTORIÆ.

[THE IMPORTANT STATUTES ONLY ARE SET OUT AT LENGTH.]

CAP. I.

An Act to further continue the Act of the Twenty-ninth Year of the Reign of Her present Majesty, Chapter One, intituled *An Act to empower the Lord Lieutenant or other Chief Governor or Governors of Ireland to apprehend, and detain for a limited time, such Persons as he or they shall suspect of conspiring against Her Majesty's Person and Government.* [26th Febuary, 1867.

CAP. II.

An Act for removing Doubts as to the Validity of certain Marriages between British Subjects at Odessa. [29th March, 1867.

CAP. III.

An Act for the Union of Canada, Nova Scotia, and New Brunswick, and the Government thereof; and for purposes connected therewith. [29th March, 1867.

CAP. IV.

An Act to apply the Sum of Three hundred and sixty-nine thousand one hundred and eighteen Pounds Five Shillings and Sixpence out of the Consolidated Fund to the Service of the Years ending the Thirty-first Day of March One thousand eight hundred and sixty-six and the Thirty-first Day of March One thousand eight hundred and sixty-seven. [29th March, 1867.

CAP. V.

An Act to repeal the Duties of Assessed Taxes on Dogs, and to impose in lieu thereof a Duty of Excise. [29th March, 1867.

1. *From and after 5th April, 1867, in England, and 24th May, 1867, in Scotland, assessed taxes on dogs to cease.*] The duties of assessed taxes payable in Great Britain under and by virtue of the Act passed in 16 & 17 Vict. c. 90, for or in respect of dogs, shall cease to be payable for or in respect of dogs kept in England after the 5th day of April, 1867, or kept in Scotland after the 24th day of May, 1867; and all the provisions, rules and regulations, and exemptions contained in the said Act, or in any other Act relating to the said duties, are hereby repealed, save so far as the same respectively relate to dogs kept in England before or on the said 5th day of April, 1867, or kept in Scotland before or on the said 24th day of May, 1867.

2. *Assessed tax on dogs kept within the year ending 5th April, 1867, in England, and 24th May, 1867, in Scotland, reduced to 7s.*] The duty of assessed taxes for or in respect of each dog kept in England within the year ending on the said 5th day of April, 1867, or kept in Scotland within the year ending on the said 24th day of May, 1867, is hereby reduced to 7s. in lieu of 12s. now payable; and no person shall be chargeable with duty to any greater amount than £23 2s. for any number of hounds, or £5 5s. for any number of grayhounds, kept by him in such years respectively.

3. *After 5th April, 1867, the duties of excise herein named to be paid on dogs.*] In lieu of the said duties of assessed taxes, there shall be granted and charged in respect of dogs kept in England after the said 5th day of April, 1867, or kept in Scotland after the said 24th day of May, 1867, the following duties to be paid annually upon the taking out of the licences hereinafter mentioned:—

For and in respect of every dog, of whatever description or denomination, for which a license to keep the same shall be taken out under this Act, the annual duty of five shillings, to be paid by the person who shall keep such dog.

4. *Duties and licences to be under the management of the Commissioners of Inland Revenue.*] The said duties and licences shall be excise duties and licences, and shall be under the management of the Commissioners of Inland Revenue; and all the powers, provisions, clauses, regulations, and directions contained in any Act relating to excise duties or licences, or to penalties under Excise Acts, and now or hereafter in force, shall respectively be of full force and effect with respect to the duties hereby granted, and the licences relating thereto, and the penalties hereby imposed, so far as the same are applicable, and shall be observed, applied, and enforced for and in the collecting, regulating, and recovering of the duties hereby granted, and the licences relating thereto, and the penalties hereby imposed, and otherwise in relation to the said duties, licences, and penalties, so far as the same shall be consistent with and not superseded by the express provisions of this Act, as fully and effectually as if the same had been herein repeated and specially enacted with reference to the said last-mentioned duties, licences, and penalties respectively: Provided that nothing herein contained shall authorise the granting of a licence under this Act upon payment of a less sum than the duty for a whole year.

5. *Licenses to be in such form as the commissioners shall direct.*] The licences to be taken out under this Act shall be in such form and shall be granted by such officers of Inland revenue as the Commissioners of Inland Revenue shall direct; and every licence shall commence on the day on which the same shall be granted, and shall terminate on the 31st day of December following.

6. *Register of Licenses to be kept.*] Every officer who shall be authorized to grant licenses under this Act shall keep a register of all such licenses granted by him, specifying the name and place of abode of every person licensed, and the number of dogs which each person shall be licensed to keep; and any justice of the peace, or constable or other officer of the peace, may at any convenient time inspect the register of licenses granted for the current or preceding year.

7. *Commissioners to cause notices to be fixed on church doors.*] The Commissioners of Inland Revenue shall cause to be placed upon or near to the door of every church in Great Britain a printed or written notice, stating from whom licenses to keep dogs can be obtained by persons residing in the parish or place in which such church is situated; and every such notice shall be kept affixed upon or near to the door of such church for such time as the said Commissioners shall direct; provided that no proceeding of any kind, nor any act done by any person in pursuance of this Act, shall be deemed to be invalid or unlawful by reason of such notice not having been placed or kept affixed as aforesaid.

8. *Penalty for keeping a dog without a licence; who shall be deemed the keeper of a dog.*] If any person shall keep a dog without having in force a licence granted under this Act authorising him so to do, or shall keep a greater number of dogs then he shall be licensed to keep, he shall for every such offence forfeit the sum of £5; and every person in whose custody, charge, or possession, or in whose house or premises, any dog shall be found or seen, shall be deemed to be the person who shall keep such dog, unless the contrary be proved, and the owner or master of hounds shall be deemed to be the person keeping the same.

9. *Penalty for not producing licence.*] If an person who shall have taken out a licence under this Act shall not produce and deliver such licence to be examined and read by any officer of excise or police constable within a reasonable time after such officer shall request the production of the same, he shall forfeit the sum of £5.

10. *No dogs under six months old to pay duty.*] The duties imposed by this Act shall not be payable in respect of any dog under the age of six months.

CAP. VI.

An Act for the Establishment in the Metropolis of Asylums for the Sick, Insane, and other Classes of the Poor, and of Dispensaries; and for the Distribution over the Metropolis of Portions of the Charge for Poor Relief; and for other Purposes relating to Poor Relief in the Metropolis. [29th March, 1867.

Preliminary.

1. *Short Title.*] This Act may be cited as The Metropolitan Poor Act, 1867.

2. *Interpretation of Terms.*] In this Act—

The term "the Poor Law Acts" means the Act of 4 & 5 Will. 4, c. 76, "for the Amendment and better Administration of the Laws relating to the Poor in England and Wales," and the Acts extending or amending the same.

The term "The Poor Law Amendment Act of 1844" means the Act of 7 & 8 Vict. c. 101, "for the further amendment of the laws relating to the poor in England."

Words in this Act have the same meaning as in the Poor Law Acts.

3. *Limitation of Act to the Metropolis.*] This Act extends only to Unions and Parishes not in Union which are wholly or for the greater part thereof respectively included in the Metropolis as defined by the Metropolis Management Act, 1855; and in this Act the term "the Metropolis" means the Metropolis as so defined.

4. *Orders of Poor Law Board.*] Any order of the Poor Law Board under this Act shall not be deemed a general order within the operation of the Poor Law Acts, although addressed to more than one Union or Parish.

District Asylums.

5. *Asylums to be provided.*] Asylums to be supported and managed according to the provisions of this Act may be provided under this Act for reception and relief of the sick, insane, or infirm, or other class or classes of the poor chargeable in unions and parishes in the metropolis (and in this Act the term "Asylum" means an asylum provided under this Act).

6. *Formation of districts.*] In order to the provision of asylums, the Poor Law Board may from time to time by order combine into districts, unions or parishes, or unions and parishes, in the metropolis, as they think fit, and may from time alter any such district by addition, sub-division, separation of part, or otherwise (and in this Act the term "the district" means, in relation to each asylum, the district for which that asylum is for the time being provided.

7. *Number of asylums.*] For each district there shall be an asylum or asylums, as the Poor Law Board from time to time by order direct.

8. *Managers of asylums.*] For the asylum or asylums of each district there shall be a body of managers constituted as in this Act provided, which managers and their successors are hereby incorporated by the name of the managers of the —— asylum district, and by that name shall be one body corporate, with perpetual succession and a common seal, and with power, subject and according to the orders of the Poor Law Board, to take, hold, and dispose of lands and other property for purposes of the asylum district (and in this Act the term "the managers" means, in relation to each asylum district, the managers thereof for the time being.)

9. *Constitution of managers.*] The managers shall (subject to the provisions of this Act) be partly elected and partly nominated.

10. *Election of managers.*] Elective managers shall be from time to time elected by the guardians of each of the several unions and parishes forming the districts from among themselves, or from among ratepayers qualified to be guardians therein, or partly from one and partly from the other.

11. *Nomination of Managers.*] Nominated managers shall be from time to time nominated by the poor law board from among justices of the peace for any county or place resident in the district, or from among ratepayers resident in the district and assessed to the poor rate therein on an annual rateable value of not less than £40, or partly from one and partly from the other.

12. *Number, qualifications, &c., of managers.*] The poor law board shall from time to time by order prescribe the total number of the managers, and the proportion of the elective and nominated managers (but so that the prescribed number of the nominated managers do not ever exceed one-third of the prescribed number of the elective managers), the number of elective managers to be elected for each union or parish in the district, the qualifications of the managers, their tenure of office, the mode and times of election, and the quorum for their meetings.

13. *Validity of acts of managers notwithstanding vacancies.*] Any act or proceeding of the managers shall not be invalid by reason only of any vacancy in their body, or by reason only of any failure to elect or nominate or any defect or irregularity in or about the election or nomination of any person to be manager, or by reason only of the want of qualification or disqualification of any person acting as manager; and the managers shall be deemed lawfully constituted, and shall act, notwithstanding any such vacancy, failure, defect, irregularity, want of qualification, or disqualification.

14. *Prohibition against managers being concerned in contracts.*] The provisions of the Poor Law Acts imposing penalties on guardians and their officers if concerned for their own profit in providing or in any contract for the supplying of anything for the use of workhouses or otherwise for the support or maintenance of the poor, and all remedies for recovery of such penalties, shall extend and apply to the managers and their officers.

15. *Building for Asylum.*] The poor law board may from time to time by order direct the managers to purchase or hire, or to build, and (in either case) to fit up a building or buildings for the asylum, of such nature and size, and according to such plan, and in such manner, as the poor law board think fit, and the managers shall carry such directions into execution.

16. *As to the purchase or hiring of lands, &c., by managers.*] The managers shall have for the purposes of the asylum the like powers as are for the time being vested in guardians of unions or parishes in the metropolis relative to the purchase or hiring of lands or buildings; but the consent of any ratepayers or owners of property in a union or parish shall not be necessary with respect to any sale, lease, or other disposition of any workhouse, building, or land by guardians or overseers to the managers.

17. *Power to borrow money for purposes herein mentioned.*] The managers may borrow money for purchasing lands or buildings, and for building, fitting up, and furnishing buildings erected or hired for the asylum, according to the provisions of the Poor Law Acts under which guardians are for the time being empowered to borrow money, and may charge the poor rates of the unions and parishes forming the district with the money so borrowed, and interest, subject and according to the following provisions:

(1.) The amount borrowed shall not exceed one third of the aggregate annual expenditure on the relief of the poor within the whole district (exclusive of reimbursements) for the period of three years

ending on the 25th day of March next preceding the borrowing of the money:

(2.) The amount borrowed shall be charged on the poor rates of the several unions and parishes forming the district in the proportions in which they contribute to the maintenance of the asylum:

(3.) The amount borrowed shall be paid off, with interest, by equal annual instalments not exceeding twenty.

18. *Adaptation of existing workhouses for asylums.*] The Poor Law Board may by order direct that any building for the time being in use as a workhouse be, with such alterations as the Poor Law Board think fit, used for the asylum, and thenceforth that building shall be for the common use of the district accordingly; and an annual sum in the nature of rent or other compensation of such amount as the Poor Law Board from time to time direct shall be paid to the guardians of the union or parish to which such buildings belongs, as long as the same continues to be so used.

19. *Reimbursement to managers of expenditure.*] If in any such case the managers expend any money in the improvement or enlargement of the building, or the providing of substantial fittings therein, and afterwards relinquish the use thereof, the Poor Law Board may, if they think fit, make an adjustment in respect of that expenditure between the owners of the building and the managers, and direct such amount as they think equitable to be reimbursed to the managers by the owners of the building, to be paid at once or by instalments as the Poor Law Board direct.

20. *Furniture, &c., for asylum.*] The managers shall from time to time provide for the asylum necessary fixtures, furniture, and conveniences, and such as the Poor Law Board from time to time by order direct.

21. *Mode of admission into asylum.*] The mode of admission of persons into the asylum shall be such as the Poor Law Board from time to time by order direct.

22. *Powers and duties of managers in respect of inmates.*] The managers shall have the like powers as guardians for the relief, maintenance, and management of the inmates of the asylum, and shall from time to time provide such medicines, appliances, and requisites for the medical and surgical care and treatment of the inmates, and cause the same to be furnished and used according to such rules, as the Poor Law Board from time to time by order direct.

23. *Application of parts of 7 & 8 Vict. c. 101, as herein named.*] The following provisions of the Poor Law Amendment Act of 1844 shall extend to the asylum as if it were an asylum under that Act, or a workhouse, and as if the managers were a district board under that Act, that is to say,—

So much of section 43 as relates to the rules of the Poor Law Board for government of the asylum or its inmates, and to religious assistance and instruction:

Sections 50, 54, 57, and 59.

24. *Chargeability, &c., of inmates.*] With reference to chargeability, burial, and other incidents, the asylum shall in relation to each inmate thereof be deemed to be in the union or parish from which such inmate is sent; but births and deaths in the asylum shall be registered by the registrar in whose district the asylum is situate.

25. *Appointment, &c., of paid officers.*] The managers shall have the like powers as guardians for the appointment, control, and payment of paid officers of the asylum, and the grant of superannuation allowances to them.

The duties, number, and salaries of the paid officers, and the securities to be given by them, shall be such as the Poor Law Board may from time to time approve or by order direct.

26. *Enforcement of orders of managers.*] Legal and reasonable orders of the managers shall be obeyed, and obedience thereto shall be enforced, in like manner and by and under like remedies and penalties as legal and reasonable orders of guardians.

27. *Committees of managers.*] The managers may from time to time, subject and according to such regulations as the poor law board from time to time by order prescribe, appoint committees of members of their body, and delegate to them any of the powers of the managers.

28. *Orders of poor law board as to managers.*] The managers shall, in the exercise and discharge of all their powers and duties, be subject to orders of the poor law board in like manner as guardians are under the Poor Law Acts.

29. *Use of asylums as medical schools.*] Where the asylum is provided for reception and relief of the sick or insane, it may be used for purposes of medical instruction, and for the training of nurses, in such cases and manner and subject to such regulations as the poor law board from time to time by order direct.

30. *Representative of commissioners in lunacy.*] Where the asylum is provided for reception and relief of the insane, the commissioners in lunacy may, if they think fit, depute one of their body or appoint from time to time a special commissioner, and the person so deputed or appointed shall be entitled to attend meetings of the managers and to take part in their proceedings, but not to vote; and every such asylum shall be considered as a workhouse within the meaning of the Lunacy Acts as defined by 25 & 26 Vict. c. 111.

31. *Expenses of providing asylum and salaries.*] Expenses incurred by the managers in or about the purchasing, hiring, building, repairing, and fitting up of buildings for the asylum, and any sum in the nature of rent or other compensation, payable by the managers to the guardians, in respect of the use for the asylum of a building previously used as a workhouse, and expenses incurred by the managers in or about the providing of fixtures, furniture, conveniences, medicines, medical and surgical appliances, and other necessaries required for keeping the asylum in proper order for daily use, and the salaries and maintenance of the officers thereof, shall be defrayed by contributions from the unions and parishes forming the district.

32. *Charges for maintenance, &c.*] Expenses incurred by the managers in or about the food, clothing, maintenance, care, treatment, and relief, or for the burials, of inmates of the asylum, shall be separately charged to the respective unions or parishes from which the inmates of the asylum are sent.

33. *Audit of accounts.*] The Poor Law Board shall appoint some person to be the auditor of the district, who shall audit the accounts of the managers and the officers; and those accounts shall accordingly be prepared for and submitted to the auditor at such times and in such manner as the accounts of guardians of unions are by the Poor Law Acts required to be prepared and submitted.

34. *Powers of auditor.*] The auditor shall have the like powers of allowing and disallowing accounts, and of making surcharges therein, as auditors appointed under the Poor Law Acts have for the time being; and sums disallowed, reduced, or surcharged in the accounts submitted to the auditor shall be recoverable in like manner as under the Poor Law Acts; and there shall be the like appeal to the Court of Queen's Bench or to the poor law board against an allowance, disallowance, or surcharge made by the auditor, as in case of the audit of union or parish accounts.

35. *Circulation of abstract of accounts.*] Within one month after each audit the managers shall deliver, by post or otherwise, to each board of guardians in the district a printed abstract (in a form from time to time prescribed by the poor law board) of the accounts as audited.

36. *Remuneration of auditor.*] The remuneration of the auditor shall from time to time be fixed by the poor law board by order, and, with his expenses, shall be paid as the salaries and expenses of auditors appointed under the Poor Law Acts are for the time being payable.

37. *Removal and new appointment of auditor.*] The poor law board may remove an auditor as they think fit, and on a vacancy shall appoint a qualified person to fill the vacancy; and the powers of providing temporarily for a vacancy, and of appointing a substitute or a deputy, given by the Poor Law Acts in relation to auditors thereunder, shall apply in relation to an auditor under this Act.

Medical Out-door Relief.

38. *Building for dispensary.*] The poor law board may from time to time, by order, direct the guardians of a union or parish in the metropolis to provide a dispensary or dispensaries for such union or parish, and to purchase or hire, or to build, and (in either case) to fit up and furnish a building or buildings for that purpose, of such nature and size, and according to such plan, and in such manner as the

Poor Law Board think fit, or to set apart, adapt, fit up, and furnish for that purpose such part of the workhouse of the union or parish, according to such plans, and in such manner as the Poor Law Board think fit, and the guardians shall act accordingly; and, where the Poor Law Board by order so direct, the guardians may borrow the amount requisite in that behalf, in like manner and subject to the like conditions as in the case of the building of a workhouse.

39. *Dispensary committee.*] There shall be a committee of management for the dispensary or dispensaries in each union or parish, to be called the dispensary committee for the union or parish (and in this Act the term "the dispensary committee" means, in relation to each union parish, the dispensary committee for the same for the time being).

40. *Election of committee.*] The dispensary committee shall be elected by the guardians of the union or parish from among themselves, or from among ratepayers of the union or parish assessed to the poor rate on an annual rateable value of not less than £40, or partly from one and partly from the other.

41. *Number, &c., of committee.*] The Poor Law Board shall from time to time prescribe with respect to each committee the number and tenure of office of the members, the mode and times of election, and the quorum of their meetings.

42. *Places for seeking sick poor, &c.*] The guardians of each union or parish providing a dispensary shall also provide, according to the directions of the Poor Law Board, proper places where the medical officers of the union or parish may see such of the sick poor as attend there for advice, and where meetings of the dispensary committee may be held.

43. *Appointment of dispensers, &c.*] The dispensary committee shall from time to time appoint and shall at all times keep appointed proper persons to be dispensers of medicine at the dispensaries for the union or parish, and may from time to time appoint such other officers and such servants for the purposes of those dispensaries as they think fit.

The duties, qualifications, number, and salaries of the dispensers, officers, and servants shall be such as the Poor Law Board may from time to time approve or by order direct.

44. *Provision and dispensing of medicines, &c.*] The guardians of each union or parish providing a dispensary shall from time to time, on the requisition of the dispensary committee, provide proper medicines and appliances and requisites for the care and surgical treatment of the sick poor of the union or parish relieved out of the workhouse, and the same shall be dispensed and furnished to such of the poor entitled to relief as require the same, on the prescription or written direction of the district medical officer, subject to such regulations as the Poor Law Board from time to time by order direct.

45. *Appointment of district medical officers.*] The district medical officers for a union or parish shall be from time to time appointed by the dispensary committee, subject to the rules and orders of the Poor Law Board respecting appointment and removal of officers under the Poor Law Acts; but the district medical officers in office at the time of the dispensary committee entering on their duties shall continue in office as if this Act had not been passed, subject nevertheless to such modifications of arrangements respecting their duties and remuneration, made with them before the passing of this Act, as the Poor Law Board think fit.

46. *Modification of districts, salaries, and contracts with district medical officers.*] For giving effect to the provisions of this Act relating to medical relief out of the workhouse, the Poor Law Board may from time to time vary as they think fit medical districts, salaries, and contracts with district medical officers, existing at the passing of this Act or at any time thereafter.

District and Separate Schools.

47. *Certain provisions as to charge of expenses of buildings, &c., as in 7 & 8 Vict. c. 101, s. 47, and 13 & 14 Vict c. 11, repealed.*] So much of section 47 of the Poor Law Amendment Act of 1844, and of the Act of the session of 13 & 14 Vict. c. 11, "to make better provision for the contributions of unions and parishes in school districts to the common funds of the respective districts," as provides for payment by unions as therein mentioned of expenses incurred by any district board in the purchase or hire of any land or buildings for a school, or in erecting, repairing, adding to, or fitting up any building, and the salaries of the officers and servants of the establishment, and other common charges of the school, shall, from the 29th day of September next, as far as those provisions relate to a district in the metropolis, be repealed; but this repeal shall not affect the mode of payment of any such expenses or salaries incurred or accrued due up to that day inclusive, or the payment of any mortgage or other debt incurred by any district board in respect thereof, or the validity or effect of any mortgage or security given by any district board for any such debt; and all such expenes and salaries, and every such debt, shall be paid and remain charged as if this Act had not been passed.

48. *Charges for buildings and Salaries of officers of district schools.*] Expenses incurred by a district board constituted under the Poor Law Amendent Act of 1844 for the maintenace of a district school for a district in the metropolis in the purchase or hire of land or buildings for the school, and the salaries of officers, and all other common charges of such school, shall, from the said 29th September next, be defrayed by contributions from the unions and parishes forming the district, as in this Act provided.

49. *Addition of nominated members to district board.*] The Poor Law Board may from to time nominate to be member of such a district board such persons as they think fit from among justices of the peace for any county or place resident in the district of the school, or from among ratepayers resident in that district, and assessed to the poor rate therein on an annual rateable value of not less than £40, or partly from one and partly from the other, but so that the number of members so nominated do not ever exceed one third of the full number of the elected members of the Board.

Workhouses for Classes of Poor.

50. *Reception in workhouses of poor belonging to other unions or parishes.*] Where, in the opinion of the Poor Law Board, the workhouse of a union or parish in the metropolis is adapted only for the reception of poor persons of a particular class or particular classes, but is capable of accommodating poor persons of that class or those classes from any other union or parish within the metropolis, the Poor Law Board may by order direct the guardians of the union or parish to which the workhouse belongs to receive, lodge, and maintain therein poor persons of that class or those classes, or any of them, and the guardians shall receive, lodge, and maintain such poor persons accordingly on terms to be agreed on, with the approval of the Poor Law Board, by the respective boards of guardians of the unions or parishes concerned, or, in default of such agreement, to be prescribed by the Poor Law Board by order; and in every such case the following provisions shall have effect:

(1.) Every poor person so received into the workhouse shall, while therein, be treated in all repects in like manner, and be subject to the same or the like regulations and liabilities, as the other poor persons therein, and shall be chargeable in the first instance to the union or to the parish in the workhouse whereof he is received:

(2.) The abiding of any such poor person in such workhouse shall in all other respects be attended with the same legal consequences as if the workhouse were situate within the union or parish from which he is sent:

(3.) Every guardian of the union or parish from which such poor person is sent may at all reasonable times enter the workhouse and inspect any part thereof.

Lands.

51. *Provisions of 5 & 6 Will. 4, c. 69, herein-named to apply.*] The provisions of the Act of 5 & 6 Will. 4, c. 69, "to facilitate the conveyance of workhouses and other property of parishes, and of incorporations or unions of parishes, in England and Wales," relative to the acquisition of sites or buildings for workhouses, and of all Acts extending or amending the same, shall apply to lands and buildings required to be purchased, hired, or otherwise acquired for any of the purposes of this Act, and shall have effect as if managers under this Act were guardians, and as if an asylum or dispensary were a workhouse.

52. *Certain parts of 8 & 9 Vict. c. 18, and 23 & 24 Vict. c. 106, incorporated.*] The Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860 (in this Act referred to as the Lands Clauses Acts) are hereby incorporated with this Act, and for the purposes of this Act the term the promoters of the undertaking used in those Acts shall mean managers or guardians desirous of purchasing lands for purposes of this Act; and in those Acts and this Act the term lands shall include any estate, term, easement, right, or interest in, over, or affecting lands.

53. *Provisions as to compulsory purchase of land.*] So much of the Lands Clauses Acts as relates to the purchase of lands otherwise than by agreement shall not be put in force except for the purchase of lands for the purpose of enlarging a workhouse, hospital, or school existing at the passing of this Act, and then not without a previous order of the Poor Law Board directing such purchase.

54. *Notice of application as to lands.*] Before the Poor Law Board make any such order the managers or guardians applying to them for the same shall publish once at least in each of four consecutive weeks in a daily morning newspaper published in the metropolis an advertisement stating the object for which the lands are proposed to be taken, and the quantity of lands required, and the place where the plan of the lands is open for inspection at reasonable hours, and shall four weeks before the application to the Poor Law Board serve notices on the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands, stating the particulars thereof and that the managers or guardians are willing to treat for the purchase thereof.

Contributions of Unions and Parishes.

55. *Basis of contributions.*] Sums to be contributed under this Act by unions and parishes shall be assessed on and contributed by them respectively in proportion to the annual rateable value of the property therein comprised, to be determined according to the valuation lists, or, where there are none, according to the latest poor rate for the time being for the union or parish, or on such other basis as the poor law board from time to time direct.

56. *Calls for contributions by managers and district boards.*] The managers of an asylum under this Act, and the district board constituted under the Poor Law Amendment Act of 1844 for the maintenance of a district school shall from time to time call on the guardians of the unions and parishes forming the district for such contributions as the managers or district board consider requisite for the purposes of the asylum or school.

57. *Notice of call for contribution.*] Notice in writing of the amount of every such contribution, purporting to be signed by the clerk or other officer of the managers or district board (in a form from time to time prescribed by the Poor Law Board by order), shall fourteen days at least before such contribution becomes due be delivered to the clerk or acting clerk of the guardians of each union and parish liable to the contribution, either by post in a letter addressed to him at the office of the union or parish or otherwise.

58. *Remedies for recovery of contributions.*] If the contribution is not duly paid the managers or district board shall (in addition to any other remedy which any person has for the time being against guardians) have the like remedy for recovery of the contribution, or of so much thereof as is not paid, from the overseers or other officers authorised to levy poor rates in the several parishes (whether comprised in a union or not) in the district, as guardians have for the time being for recovery from overseers of contributions of parishes; and if the overseers of any parish in a union pay any money to the managers [or district board on account of such contribution they shall be entitled to credit for such payment in the accounts of the union with their parish.

Medical In-door Relief.

59. *Determination or variation of contracts with workhouse medical officers.*] In order to facilitate provision for the appointment, where requisite, of resident workhouse medical officers, and for better classification and management of the sick poor in a separate hospital or building, or in an infirmary kept distinct from the rest of the workhouse, the Poor Law Board may, by order, determine, or from time to time vary as they think fit, any contract with any medical or other workhouse officer existing at the passing of this Act, and direct the guardians to pay to a medical or other officer affected thereby such compensation by way of increased salary, or of an annuity, or of a gross sum, or otherwise, as the Paor Law Board think fit.

Houseless Poor.

60. *Repeal of reimbursement by Metropolitan Board.*] Sections 1 and 2 of the Metropolitan Houseless Poor Act, 1864, shall from and after the 29th day of September, 1867, be repealed, except with respect to any claims under that Act then outstanding, which shall be provided for as if that Act continued wholly in force.

Metropolitan Common Poor Fund.

61. *Establishment of Metropolitan Common Poor Fund.*] There shall be a fund, called the Metropolitan Common Poor Fund, raised according to the provisions of this Act by contributions from the several unions, parishes, and places in the Metropolis (in this Act referred to as the Common Poor Fund).

62. *Appointment of receiver of Common Fund.*] There shall be a receiver of the Common Poor Fund (in this Act referred to as the receiver), who shall be from time to time appointed by and shall be removeable by the Poor Law Board, and shall receive such salary and give such security (if any) as the Poor Law Board direct.

63. *Receiver to open account at Bank of England.*] The receiver shall open an account with the governor and company of the Bank of England, intituled the account of the receiver of the metropolitan common poor fund for the time being.

64. *Assessment of contributions to common fund.*] The Poor Law Board shall from time to time assess on the several unions and parishes in the metropolis the amounts of their respective contributions to the common poor fund, in proportion to the annual rateable value of the property therein comprised, to be determined according to the valuation lists, or, where there are none, according to the latest poor rate for the time being for the union or parish, or on such other basis as the Poor Law Board may direct.

65. *Collection of common fund.*] The Poor Law Board shall from time to time issue to the guardians of each union or parish a precept under the seal of the board requiring them to pay the amount of their contribution therein specified, in the manner and within the time therein prescribed, and the guardians shall accordingly raise the amount of their contribution out of the poor rates of the union or parish, and shall pay the same into the Bank of England to the credit of the account of the receiver; and no such precept shall be liable to be removed into any court of law by certiorari or otherwise, nor shall any order of the guardians, or any rate made after the passing of this Act, be liable to question in any such court on the ground of its having been made wholly or partly in furtherence of any such precept; provided always that the guardians shall be entitled to have credit in part payment of their contribution for the amount which may be repayable to them out of the common poor fund, under the precept of the Poor Law Board, as hereinafter mentioned, in respect of expenditure during the preceding half-year.

66. *Collection of contributions by local authority where no poor rate.*] In order to obtain payment of the amount of the contribution to the Common Poor Fund payable in respect of any place where there is no poor rate, the Poor Law Board shall from time to time issue to the masters of the bench, treasurer, governors, or other body or persons having the chief control or authority there, a precept requiring them or him to pay the amount of contribution therein specified, in the manner and within the time therein prescribed, and they or he shall pay the same accordingly.

67. *Levying of rate by local authority.*] In every such place the masters of the bench, treasurer, governors, or other body or persons, may levy on the several persons occupying rateable property therein the amount of contribution so paid by them or him by means of a rate in the nature of a poor rate, and for that purpose may employ and remunerate collectors, and shall have the like powers as are for the time being vested in overseers for the purposes of the making, assessing, levying, and collecting of poor rate.

68. *Remedies for recovery of Contributions.*] If any contribution to the common poor fund required by the Poor Law Board to be paid by any guardians, masters of the bench, treasurers, governors, or other body or persons, is not duly paid, the receiver shall (in addition to any other remedy which any person has for the time being against guardians) have the like remedy for recovery from them or him, in the receiver's own name, of the contribution, or of so much thereof as is not paid, as guardians have for the time being for recovery from overseers of contributions of parishes; and for that purpose the precept of the poor law board requiring the contribution shall be conclusive evidence of the amount thereof and of the liability thereto of the party sued.

69. *Application of Common Fund.* 7 & 8 *Vict. c.* 101. 27 & 28 *Vict. c.* 116; 28 & 29 *Vict.* c. 34.] Expenses incurred for the following purposes after the 29th day of September, 1867, shall be repaid out of the common poor fund, that is to say,—

(1.) For the maintenance of lunatics in asylums, registered hospitals, and licensed houses, and of insane poor in asylums under this Act, except such expenses as are chargeable on the county rate:

(2.) For the maintenance of patients in any asylums specially provided under this Act for patients suffering from fever or small pox:

(3.) For all medicine and medical and surgical appliances supplied to the poor in receipt of relief by guardians under this Act or any of the poor law Acts:

(4.) For the salaries of all officers employed by the guardians in and about the relief of the poor by the managers of district schools under "the Poor Law Amendment Act, 1844," and by the managers of asylums under this Act, and also the salaries of the dispensers and other persons employed in dispensaries under this Act, provided the appointments of the officers have been sanctioned by the Poor Law Board:

(5.) For compensation to any medical officer of a workhouse affected by the determination or variation by the Poor Law Board of a contract respecting medical relief in the workhouse, or for compensation to any officer of a union or parish who may be deprived of his office by reason of the operation of this Act:

(6.) For fees for registration of births and deaths:

(7.) For fees for and other expenses of vaccination:

(8.) For maintenance of pauper children in district, separate, certificated, and licensed schools:

(9.) For relief of destitute persons certified by the auditor, and provision of temporary wards or other places of reception approved by the Poor Law Board, under the Metropolitan Houseless Poor Acts of 1864 and 1865.

70. *Mode of repayment out of common fund.*] After each half-yearly audit the auditors shall, within such time and in such manner as the Poor Law Board from time to time direct, certify to the Poor Law Board the amount actually expended by each union or parish in respect of expenses which are to be repaid out of the common poor fund; and the Poor Law Board shall, by precept under the seal of the board, direct the receiver to repay out of that fund to the guardians of the unions and parishes the several sums so expended, and the amount repaid shall be applied by them in aid of the fund chargeable with the relief of the poor.

71. *Receiver's salary, &c.*] The salaries of the receiver and his assistants, and all expenses incurred by him in the execution of this Act, shall be paid out of the common poor fund.

72. *Drawing on receiver's account.*] The account of the receiver at the Bank of England shall be drawn on in such manner and according to such regulations as the Poor Law Board from time to time by order direct.

Poor relief under local Acts.

73. *Constitution of guardians for parishes under local Acts.*] The relief of the poor of every union or parish in the metropolis governed by a local Act shall, from and after a day to be stated in an order of the Poor Law Board in relation to each union or parish, be, notwithstanding anything in such local Act, administered by a board of guardians elected according to the Poor Law Acts, and in conformity with an order of the Poor Law Board.

74. *Powers of new board of guardians.*] The guardians so constituted under this Act, notwithstanding anything in any local Act, shall have the same powers and authorities, and shall be subject to the same orders, regulations, and restrictions, as guardians elected under the Poor Law Acts.

75. *Transfer of property to new guardians.*] The workhouses, goods, effects, and real and personal property belonging to a union or parish governed by a local Act, and held or used for purposes of the relief of the poor or of the business of guardians, shall by virtue of this Act be transferred to and vested in and belong to the guardians of the union or parish when constituted under this Act, and shall be held and used for purposes of such relief and business, and upon such other trusts and for such other purposes as would have been applicable to the same if this Act had not passed; and those guardians shall pay and discharge the debts and liabilities lawfully incurred in and about such relief, or otherwise due from the previous guardians of the union or parish, as the same ought to have been paid and discharged by the previous guardians if this Act had not been passed; provided that the Poor Law Board may, if they think fit, by order, extend the time of payment of any such debt for a period not exceeding six months from the date of the order.

76. *Continuance of existing officers.*] Officers and persons appointed or acting under any such local Act for any purpose of the relief of the poor, or otherwise in the service of the guardians, and superintendent registrars of births, deaths, and marriages, and registrars of births and deaths, and registrars of marriages, shall be entitled to continue in office after the constitution of the new board of guardians under this Act to the same extent as if this Act had not been passed; and their service before the constitution of that board shall be reckoned in the computation of any superannuation allowance to which they may become entitled: Provided that, in case any officer of a union or parish shall be deprived of his office by reason of the operation of this Act, the Poor Law Board may award to him such compensation for the loss of the office and its emoluments, either by way of gross sum or by way of annuity, as to them shall seem reasonable.

77. *Saving for rating powers of existing bodies.*] Nothing in this Act shall deprive any body constituted under a local Act of any power thereby vested in them of making and levying poor rates; and in relation to guardians constituted under this Act every such body shall be deemed overseers within the Poor Law Acts as far as regards liability to payment of contributions required by guardians for purposes of the relief of the poor in the union or parish.

78. *Parts of sections* 64 & 65 *of* 7 & 8 *Vict. c.* 101, *repealed.*] So much of section 64 of the Poor Law Amendment Act of 1844 as prevents the union of parishes governed by local Acts, without consent of the guardians, and section 65 of that Act, are hereby repealed as far as they relate to the metropolis.

Board of Guardians.

79. *Power to Poor Law Board to nominate additional guardians.*] The Poor Law Board may from time to time nominate to be members of a board of guardians of a union or parish in the metropolis (whether elected under the Poor Law Acts or constituted under this Act) such persons as they think fit from among justices of the peace for any county or place resident in the union or parish, or from among ratepayers resident therein and assessed to the poor-rate therein on an annual rateable value of not less than £40 or partly from one and partly from the other, but so that the number of guardians so nominated do not, together with the *ex officio* guardians, ever exceed one third of the full number of the elected guardians.

Officers.

80. *Appointment of officers on failure of managers, &c.*] In case at any time any managers of an asylum or dispensary committee under this Act, or any board of guardians of a union or parish in the metropolis, fail, for fourteen days after receipt of a requisition of the Poor Law Board in this behalf, to appoint (either originally or on a vacancy) any officer whom they are by law required or authorised to appoint, then at any time after the expiration

of that period of fourteen days the Poor Law Board may, if they think fit, by order, appoint a fit person to be such officer; and the person so appointed shall have and perform all the same powers, rights, privileges, and duties as if the appointment had been duly made by the managers, committee, or guardians, as the case may be.

Borrowing.

81. *Extension of borrowing powers.*] Where the guardians of a union or parish in the metropolis require to borrow money for the purposes and under the authority of the Poor Law Acts, the principal sum borrowed may be any sum not exceeding one-half of the aggregate amount of the rates raised for the relief of the poor in that union or parish within three years ending on the 25th day of March next preceding the borrowing of the money, anything in the said Acts to the contrary notwithstanding.

82. *Provision for orders of removal and of maintenance.*] Nothing in this Act contained shall prevent any board of guardians or churchwardens and overseers from obtaining any order of removal or any order of maintenance in respect of any pauper by reason of the costs and expenses of such pauper being repaid out of the common fund.

CAP. VII.

An Act to apply the Sum of Seven million nine hundred and twenty-four thousand Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first day of March One thousand eight hundred and sixty-eight. [5th April, 1867.

CAP. VIII.

An Act for facilitating in certain Cases the Proceedings of the Commissioners appointed to make Inquiry respecting Trades Unions and other Associations of Employers or Workmen. [5th April, 1867.

CAP. IX.

An Act to open the Professorships of Anatomy and Chirurgery, Chemistry and Botany, in the University of Dublin, to all persons irrespective of their religious Creed; and to amend the Act 40 Geo. 3. (Ireland), Chapter Eighty-four. [5th April, 1867.

CAP. X.

An Act to amend the Law relating to the Duties and Drawbacks on Sugar. [5th April, 1867.

CAP. XI.

An Act to facilitate the Recovery of Arrears of Alimony in certain Cases under Decrees and Orders of the Provincial and Diocesan Courts in Ireland. [12th April, 1867.

"Whereas difficulties have been found to exist in enforcing decrees and orders for payment of alimony in causes pending in the provincial and diocesan courts in Ireland, acting under the provisions of the Ecclesiastical Courts and Registries Act, Ireland, 1864, in cases where the respondent or other the person or persons liable to pay the same cannot be served personally with such decrees or orders, or when a personal demand of such arrears cannot be made upon such person or persons, and it is expedient to make provision to enable such courts to enforce said decrees and orders without such personal service or demand in manner herein after appearing:"

Be it enacted &c.

1. *Where personal service of decree is unavailing, court may make an order for substituted service.*] In every case in which, either before or after the passing of this Act, any decree or order shall have been pronounced or made in any cause or matter pending before any such provincial or diocesan court, or in which such provincial or diocesan court shall, under the said recited Act, have jurisdiction, directing the payment of an annual sum by way of alimony by any person, or of any sum of money as and for the arrears of alimony theretofore decreed or ordered to be paid, and it shall be made to appear to the satisfaction of the court by affidavit, upon application of the person entitled to such payment, that all due efforts have been made for the purpose of effecting personal service upon the person liable to such payment of such decree or order, or for the purpose of personally demanding from such person the payment of any sum or sums due under such decree or order, and that notwithstanding all due diligence such efforts to effect personal service or demand have been unavailing, either by reason of the absence of the person so sought to be served, or from other causes not within the control of the person entitled to the benefit of such order or decree, it shall be lawful for the court to make an order for the substitution of the service of such decree or order, or of a demand of the payment of such sum or sums of money as aforesaid, as to the court shall seem just and expedient.

2. *Court may order advertisements touching enforcement of decree where no substituted service can be had.*] In all cases coming within the first section of this Act, when the several matters required to be proved to the satisfaction of the court before making any order for substituted service shall have been proved, and it shall further be made to appear by affidavit that there is no person upon whom such substituted service can properly be had, it shall be lawful for the court to order, in lieu of such substituted service, that advertisements shall be had in two or more of the public newspapers touching the enforcement of such decree or order in such form and subject to such conditions in all respects as the court shall direct.

3. *Decree to be as effectual as personal service.*] After any such substituted service or advertisements as in the preceding section of this Act authorised shall have taken place, such decree or order may be enforced in all respects as fully and effectually as if the same had been personally served upon the person liable to the payment of the monies due under such decree or order, and as if a personal demand had been made of such monies from the person liable to the payment thereof.

CAP. XII.

An Act to amend the Law relating to Criminal Lunatics. [12th April, 1867.

"Whereas it is expedient to amend the law relating to criminal lunatics:" Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Short title.*] This Act may be cited for all purposes as "The Criminal Lunatics Act, 1867."

2. *Definition of criminal lunatic.*] "Criminal lunatic" shall mean for the purposes of this Act any of the persons following; that is to say,—

1. Any person for whose safe custody during her pleasure her Majesty is authorised to give order:
2. Any person whom one of her Majesty's principal Secretaries of State is authorised by law to direct to be removed to a lunatic asylum under any Act of Parliament:
3. Any person sentenced or ordered to be kept in penal servitude who may be shown to the satisfaction of the Secretary of State to be unfit from imbecility of mind for penal discipline.

3. *Application of Act.*] This Act shall not apply to Scotland or Ireland.

4. *General application of sections* 9 *and* 10 *of* 23 *&* 24 *Vict. c.* 75.] The enactments contained in sections 9 and 10 Vict. c. 75, relating to the following matters:

(1.) To the power of the Secretary of State to permit a lunatic to be absent from the asylum on trial:
(2.) To the expenses of conveyance and maintenance of criminal lunatics:

shall apply to a criminal lunatic in whatever asylum or place of confinement he may be, and to such asylum and place of confinement, so far as regards such lunatic, in the same manner as if such asylum or place of confinement were an asylum appropriated to criminal lunatics in pursuance of the last-mentioned Act.

5. *Power of Secretary of State to give conditional order of discharge.*] It shall be lawful for one of her Majesty's principal Secretaries of State to discharge absolutely or conditionally any criminal lunatic.

Where any criminal lunatic has been discharged conditionally, if any of the conditions of such discharge are broken, the said Secretary of State may by warrant, to be executed by any constable or other peace officer to whom such warrant

is delivered, direct such person to be taken into custody, and to be conveyed to the place in which he was detained, at the time of his discharge, or to any other place to which he might have been removed if no order for his discharge had been given, and any person so taken into custody shall revert in all respects to the same position as he was in at the time when the order of discharge was given, and shall be subject to be detained accordingly.

6. *Criminal lunatic may be removed to a county asylum on expiration of his sentence.*] The 8th section of 23 & 24 Vict. c. 75, shall be repealed, and in place thereof be it enacted: Where the term of punishment awarded to any criminal lunatic confined in any asylum or other place of confinement for criminal lunatics expires before such evidence of his sanity has been given as justifies his being discharged, the following consequences shall ensue; that is to say,—

1. If such lunatic be confined in any asylum or place of confinement to which lunatics may be sent in pursuance of the Lunatic Asylums Act, 1853, he shall thenceforth be deemed to be a pauper lunatic, and shall be in the same position in all respects as if he were a lunatic who immediately previous to the expiration of his term of punishment had been found wandering at large within the parish or place where the offence was committed in respect of which he became a criminal lunatic, and had been directed by a justice, in pursuance of the 68th section of the Lunatic Asylums Act, 1853, to be received into the said asylum or place of confinement as a lunatic wandering at large, and a proper person to be taken charge of and detained under care and treatment:
2. If such lunatic be confined in any asylum or place of confinement to which lunatics cannot be sent in pursuance of the said Lunatic Asylums Act, 1853, the said Secretary of State may, by order under his hand, direct the lunatic to be received into any asylum or place of confinement for lunatics into which a justice might have directed him to be received in pursuance of the said 68th section of the Lunatic Asylums Act, 1853, if immediately previous to the date of the expiration of his term of punishment the lunatic had been found wandering at large within the parish or place where the offence was committed in respect of which he became a criminal lunatic, and the justice had been satisfied that the lunatic was a proper person to be taken charge of and detained under care and treatment; and any order made by the said Secretary of State in pursuance of this section shall have the same effect and be obeyed by the same persons, and subject them to the same penalties in case of disobedience, as an order made by a justice for the reception of a lunatic into an asylum or other place of confinement for lunatics in pursuance of the said 68th section of the said Lunatic Asylums Act, 1853; and such lunatic when received into the said asylum or place of confinement shall thenceforth be deemed to be a pauper lunatic, and shall be in the same position in all respects as if he had been such wandering lunatic as aforesaid directed to be received into the said asylum or place of confinement in pursuance of the said order of a justice.

CAP. XIII.

An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters. [12th April, 1867.

CAP. XIV.

An Act for the Regulation of her Majesty's Royal Marine Forces while on shore. [12th April, 1867.

CAP. XV.

An Act for the Abolition of certain Exemptions from Local Dues on Shipping and on Goods carried in Ships. [12th April, 1867.

1. *Short title.*] This Act may be cited for all purposes as "The Shipping Dues Exemption Act, 1867."

2. *Commencement of Act.*] This Act shall come into operation on the 1st of August, 1867, which time is herein referred to as the commencement of this Act.

3. *Interpretation of terms, "dues," "exemption from dues."*] The following words and expressions shall in this Act have the meanings hereby assigned to them, unless there is something in the context inconsistent with such meanings; that is to say,—

The word "dues" shall include all tolls, rates, taxes, duties, and imposts levied on ships or on goods carried in ships, except any duties levied by the Commissioners of Customs for the use of her Majesty:

The expression "exemption from dues" shall, in addition to its ordinary meaning, include every privilege of paying smaller dues than the public at large pay under like circumstances.

4. *No exemption from dues allowed in United Kingdom on account of reasons herein named.*] After the commencement of this Act no exemption from dues shall be allowed in the United Kingdom on account of any one or more of the following reasons; that is to say,—

(1.) On account of any ship being registered at or belonging to any particular country, port, or place, or trading between any particular ports or places:

(2.) On account of any ship or goods being the property of, or being consigned by or to any particular person or body corporate:

(3.) On account of any goods being destined for sale in any particular town, place, or market:

(4.) On account of any ship or goods being sent for or from, or anchoring or mooring at, or being laden or unladen at any particular place in any port, or in the neighbourhood of any port, except where a ship in going to or from, or anchoring or mooring at, or being laden or unladen at such place, derives from the expenditure of the class of dues in question no benefit, or less benefit than ships going to or from, or anchoring or mooring at, or being laden or unladen at another place in the same port:

(5.) On account of any goods being the product of or being destined for use at any particular manufactory, place, or district, or any particular class of manufactories: provided that nothing in this Act contained shall affect any exemption from dues which has been granted by an Act of Parliament to the owner or occupier of some particular quay, manufactory, or place as *compensation for* obstruction to his *water frontage* or access to his premises, or other injury caused to him by the works authorised by such Act.

5. *Privileged persons to have as compensation an annuity for 10 years equal to the average of benefit for three years preceding 1st February, 1867. No compensation to be paid after times herein named.*] Where a person or body corporate who would, if this Act had not passed, be entitled in his or their own right to derive profit from any exemption from dues abolished by this Act has derived pecuniary profit from such exemption during the year preceding 1st February, 1867, in that, but in no other case, the person or body corporate entitled to receive the class of dues in question (in this Act referred to as "the receiver of dues") shall pay to the person or body corporate so entitled (in this Act referred to as "the claimant") by way of compensation an annuity equal to the average annual amount of profit so derived during the three years next preceding the 1st of February, 1867, or during so much of those three as is subsequent to the date at which the claimant commenced to derive such profit: Provided that no compensation shall be payable or paid (except so much as may previously have accrued) after any of the following times; viz.,

(1.) After the expiration of ten years from the commencement of this Act:

(2.) After the time of the death of the *claimant*:

(3.) After the time at which the dues from which the claimant was exempted cease to be levied:

(4.) After any time when from any reason whatever the claimant ceases or would cease (if the exemption from dues for which compensation was granted then existed) to have a right to such exemption or to be in a position to derive profit from it.

6. *Mode of determining amount of compensation.*] With respect to determining the amount of compensation to be paid under this Act, the following rules shall be observed:

(1.) The claimant shall send to the receiver of dues and to the Board of Trade in writing his claim to compen-

sation, stating the amount and grounds of his claim, and shall give such evidence in support of his claim as the Board of Trade may require:

(2.) This claim shall be sent in to the Board of Trade within three months after the commencement of this Act, and if it is not sent in within that time the claimant shall not be entitled to any compensation in respect of the time prior to the date of the receipt of such claim by the Board of Trade; and if it is not sent in within one year after the passing of this Act the claimant shall not be entitled to any compensation:

(3.) As soon as may be after receiving such claim, the receiver of dues shall agree with the claimant on the amount of the compensation to be paid, and the times and mode of such payment, but such agreement shall be subject to the approval of the Board of Trade:

(4.) If no agreement can be made, or if the Board of Trade disapprove of any agreement which is made, the amount of compensation to be paid, and the times and mode of such payment, shall be determined by arbitration:

(5.) For the purpose of such arbitration the clauses of "The Companies Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration, shall be incorporated with this Act, and in the construction of those clauses for the purposes of this Act this Act shall be deemed to be the special Act, and any appointment of an arbitrator by the receiver of dues shall be subject to the approval of the Board of Trade.

7. *Commencement of compensation, and how to be paid.*] The compensation shall (except as in this Act mentioned) date from the commencement of this Act, and shall be paid out of the class of dues from which the claimant who receives it was previously exempted.

8. *Power to commute annuity for a principal sum.*] Any receiver of dues, on agreement with the claimant and with the approval of the Board of Trade, may by paying to the claimant a principal sum, commute any compensation payable annually by such receiver under this Act.

9. *Power to receiver of dues to borrow for purpose of commutation of the annual payment.*] Where the receiver of dues commutes the annual compensation by payment of a principal sum he may, if the Board of Trade approve, notwithstanding any limitation in any Act of Parliament or charter, borrow at interest on the security of any dues which he has power to levy the whole or any part of such principal sum, and shall apply the same in effecting such commutation.

For the purpose of such borrowing the clauses of "the Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the commissioners, shall be incorporated with this Act, and in the construction of that clause for the purpose of this Act, this Act shall be deemed to be the special Act, and the receiver of dues which is borrowing shall be deemed to be the commissioners.

10. *If beneficial to the trade of the port, the dues may be abolished instead of the exemption.*] Where a receiver of dues in any port or place proves to the satisfaction of the Board of Trade that it would be beneficial to the trade of such port or place that the class of dues from which the exemption exists should be abolished, the Board of Trade may make an order directing the abolition of that class of dues after the date mentioned in the order and after such date, or, if no date is mentioned, after the date of that order, no dues specified in such order shall be levied and no compensation shall be payable in respect of any exemption therefrom; provided that where such dues are received in trust for a body corporate, such dues shall not be abolished without the consent of such body corporate under their common seal.

11. *Saving of rights of her Majesty and lighthouse authorities.*] Nothing in this Act contained shall render liable any ships or goods which belong to or are in the service of her Majesty, or any corporation having the superintendence or management of lighthouses, to any dues to which they would not be liable had this Act not passed.

CAP. XVI.

An Act for authorising a Guarantee of Interest on a Loan to be raised by Canada towards the Construction of a Railway connecting Quebec and Halifax. [12th April, 1867.

CAP. XVII.

An Act to regulate the Court and Office of the Lyon King of Arms in Scotland, and the Emoluments of the Officers of the same. [3rd May, 1867.

CAP. XVIII.

An Act for the Preservation and further Protection of Oyster Fisheries. [3rd May, 1867.

Whereas it is expedient to make provision for the protection of private oyster beds, layings, or fisheries:
Be it therefore enacted, &c.

1. *Short title.*] This Act may be cited as The Oyster Preservation Act, 1867.

2. *As to words "oyster" and "person."*] In this Act the word "oysters" includes the brood, ware, half-ware, spat, and spawn of oysters, and the word "person" includes body corporate.

3. *Oysters in the oyster grounds or fishery to be owner's property.*] All oysters being in or on any oyster bed, laying, or fishery which is the property of any person, and is sufficiently marked out or known as such, shall be the absolute property of such person, and in all courts of law and equity and elsewhere, and for all purposes, civil, criminal, or other, shall be deemed to be in the actual possession of such person.

4. *Oysters removed from the fishery to be owner's property.*] All oysters removed by any person from any such oyster bed, laying, or fishery, and not either sold in market overt, or disposed of by or under the authority of the person to whom such bed, laying, or fishery belongs as aforesaid, shall be the absolute property of such last-mentioned person, and in all courts of law and equity and elsewhere, and for all purposes, civil, criminal, or other, the absolute right to the possession thereof shall be deemed to be in such last-mentioned person.

5. *Proof of marking of limits.*] Whenever it is necessary in any legal proceeding to prove that the limits of any oyster or mussel fishery have been duly buoyed or otherwise marked, or that notices of such limits have been duly posted, published, or distributed, in pursuance of any Act of Parliament or of any order of the Board of Trade confirmed by Parliament, or that notice of the provisions of such Act or order relating to the oyster or mussel fishery has been duly published, a certificate purporting to be under the hand of one of the secretaries or assistant secretaries of the Board of Trade, certifying that the Board of Trade are satisfied that the said limits were so buoyed or marked, or that the said notices were duly published, posted, or distributed, shall be received as evidence that the same have been so buoyed or marked, or that the said notices have been so published, posted, or delivered.

6. *Contiguous Fisheries.*] When two or more oyster beds, layings, or fisheries belonging to different proprietors are contiguous to each other, and any indictment or prosecution shall be raised or proceeding taken against any person for stealing oysters from the same, it shall be sufficient, in alleging and proving the place from which such oysters were stolen, to allege and prove that they were stolen from one or other of such contiguous beds, layings, or fisheries, and in alleging and proving the property and lawful possession of such oysters it shall be sufficient to allege and prove that the same belonged to and were in the lawful possession of one or other of such proprietors, although it is not alleged or proved from which of such contiguous beds, layings, or fisheries the same were stolen, or of which of such proprietors they were the property or in the lawful possession.

CAP. XIX.

An Act to amend the Petty Sessions Act (Ireland), 1851, as to the backing of Warrants. [31st May, 1867.

Whereas by the Petty Sessions Act (Ireland), 1851, certain provisions were made for the backing of warrants

for execution by the Inspector-General or by either of the Deputy Inspectors-General of Constabulary in Ireland:

And whereas the number of the said Deputy Inspectors-General of Constabulary has since been reduced to one, and there are three Assistant Inspectors-General of Constabulary:

And whereas it is expedient that in the absence of the said Inspector-General and Deputy Inspector-General of Constabulary the Assistant Inspectors-General of Constabulary should have the same power to back warrants for execution as by the said recited Act were given to the said Inspector-General and Deputy Inspectors-General:

Be it therefore enacted, &c.

1. *Power to Assistant Inspectors-General of Constabulary to back warrants in absence of Inspector-General and Deputy Inspector-General.*] That in the absence of the Inspector-General and Deputy Inspector-General of Constabulary it shall be lawful for any one of the Assistant Inspectors-General of Constabulary in Ireland to back, endorse, and transmit for execution all warrants issued under the said recited Act in like manner as the said Inspector-General and Deputy Inspectors-General were thereby authorised to do, and thereupon the same shall and may be executed in like manner as a warrant backed by the said Inspector-General or Deputy Inspector-General under the recited Act.

CAP. XX.

An Act to authorise the Inclosure of certain lands in pursuance of a Report of the Inclosure Commissioners for England and Wales. [31st May, 1867.

CAP. XXI.

An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of Gainsborough, Farsley, Bideford, Canterbury, Chepping Wycombe, Worthing, and Wednesfield; and for other purposes relative to certain districts under that Act. [31st May, 1867.

CAP. XXII.

An Act to confirm a Provisional Order under "The Land Drainage Act, 1861." [31st May, 1867.

CAP. XXIII.

An Act to grant and alter certain Duties of Customs and Inland Revenue, and for other purposes relating thereto. [31st May, 1867.

1. *Grant of duties specified in schedules annexed.*] There shall be charged, collected, and paid, for the use of her Majesty, her heirs and successors, the several duties of Customs and Inland Revenue respectively specified in the schedules marked respectively (A.), (B.), and (C.), to this Act; and the said duties shall respectively take effect at the dates, and shall continue to be charged, collected, and paid during the periods respectively specified in that behalf in the said schedules respectively, and where no date is specified for the commencement of any duty the same shall commence and take effect from the passing of this Act, and where no time is specified for the duration of any duty the same shall continue to be charged, collected, and paid until Parliament shall otherwise order; and the said schedules shall be deemed to be part of this Act.

2. *Provisions of former Acts to apply to duties under this Act.*] All the powers, provisions, allowances, exemptions, forfeitures, and penalties, contained in or imposed by any Act or Acts, or any schedule thereto, relating to customs duties or stamp duties, and in force at the time of the passing of this Act, and relating to the duty of income tax, and in force on the 5th day of April, 1867, shall respectively be in full force as to the said duties granted by this Act, so far as the same are applicable, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said duties, and otherwise in relation thereto, so far as the same shall not be repealed or superseded by and shall be consistent with the provisions of this Act, as fully and effectually, to all intents and purposes, as if the same had been herein expressly enacted with reference to the said duties respectively.

AS TO STAMP DUTY ON SEA INSURANCES.

3. *Repeal of Acts in schedule (D.).*] On the passing of this Act the stamp duties now payable for policies of sea insurance shall cease and determine, and the several Acts and parts of Acts specified in the schedule marked (D.) to this Act annexed are hereby repealed, save so far as respects any policy made prior to the passing of this Act, and as respects any forfeiture or penalty incurred in respect of any offence against any enactment so repealed.

4. *Interpretation of terms.*] In this Act the expression "sea insurance" means any insurance (including re-insurance) made upon any ship or vessel, or upon the machinery, tackle, or furniture, of any ship or vessel, or upon any goods, merchandise, or property, of any description whatever, on board of any ship or vessel, or upon the freight of or any other interest which may be lawfully insured in or relating to any ship or vessel; and the word "policy" means any instrument whereby a contract or agreement for any sea insurance is made or entered into.

5. *Commissioners to provide stamped forms of policies.*] The Commissioners of Inland Revenue shall provide blank policies, printed on paper, in the form set forth in schedule (E.) to this Act, and stamped to denote the duty payable under this Act; and any person may buy such blank policies, stamped with the duty which he may require, at the price of such duty: Provided always, that before any such stamped blank policies shall be issued, and before any vellum, parchment, or paper, which may be brought to be stamped shall be delivered out stamped by any officer of Inland Revenue, he shall mark or write thereon the day, month, and year of such issue or delivery, and if he wilfully neglect so to do he shall forfeit the sum of £100.

6. *Office in London for distributing stamped forms of policies.*] The said commissioners shall keep an office within the City of London for the distribution of blank policies, stamped as aforesaid, to persons carrying on the business of insurance within the said city, and purchasing the same, subject to the usual allowance made on purchase of stamps.

7. *Contract for insurance to be in writing, and to specify certain particulars.*] No contract or agreement for sea insurance (other than such insurance as is referred to in section 55 of The Merchant Shipping Act Amendment Act, 1862,) shall be valid unless the same *is expressed* in a policy; and every policy *shall specify* the particular risk or adventure, the names of the subscribers or underwriters, and the sum or sums insured; and in case any of the above-mentioned particulars shall be omitted in any policy, such policy shall be null and void to all intents and purposes.

8. *No policy to be made for more than twelve months.*] No policy shall be made for any time exceeding twelve months, and every policy which shall be made for any time exceeding twelve months shall be null and void to all intents and purposes.

9. *No policy valid unless duly stamped. Exception in case of certain mutual insurances; and in case of policies made abroad.*] No policy shall be pleaded or given in evidence in any court, or admitted in any court to be good or available in law or in equity, unless duly stamped; and it shall not be lawful for the said commissioners or any officer of Inland Revenue to stamp any policy at any time after it is signed or underwritten by any person on any pretence whatever, except in the two cases following: that is to say,

1st. Any policy of mutual insurance having a stamp or stamps impressed thereon may, if required, be stamped with an additional stamp or stamps, provided that at the time such additional stamp or stamps shall be required the policy shall not have been signed or underwritten to an amount exceeding the sum or sums which the stamp or stamps previously impressed thereon will warrant:

2nd. Any policy made abroad, and chargeable with duty by virtue of 28 & 29 Vict., c. 99, s. 15, may be stamped within the time specified in that Act.

10. *Legal alterations in policies may be made under certain restrictions.*] Nothing in this Act shall extend or be construed to extend to prohibit the making of any alteration which may lawfully be made in the terms and conditions of any policy after the same shall have been underwritten; provided that such alteration be made before notice of the

termination of the risk originally insured, and that it shall not prolong the time covered by the insurance thereby made beyond the period of six months in the case of a policy made for a less period than six months, or beyond the period allowed by this Act in the case of a policy made for a greater period than six months, and that the articles insured shall remain the property of the same person or persons, and that no additional or further sum shall be insured by reason or means of such alteration.

11. *Policies for voyage and time chargeable with two duties.*] Where any sea insurance is made for a voyage and also for time, or to extend to or cover any time beyond twenty-four hours after the ship shall have arrived at her destination and been there moored at anchor, the policy shall be chargeable with duty as a policy for a voyage, and also with duty as a policy for time.

12. *As to insurances by carriers.*] Where any carrier by sea or other person shall, in consideration of any sum of money paid or to be paid for additional freight or otherwise, agree to take upon himself any risk attending goods, merchandise, or property of any description whatever while on board any ship or vessel, or engage to indemnify the owner of any such goods, merchandise, or property from any risk, loss, or damage, such agreement or engagement shall be deemed to be a contract for a sea insurance.

13. *Penalty on assuring unless policy duly stamped.*] If any person shall become an assurer upon any sea insurance, or shall subscribe or underwrite, or otherwise sign or make, or enter into any contract, agreement, or memorandum, for or of any sea insurance, or shall receive or contract for any premium or consideration for any sea insurance, or shall receive, or charge, or take credit in account for any such premium or consideration as aforesaid, or any sum of money as or for any such premium or consideration as aforesaid, or shall wilfully or knowingly take upon himself any risk, or render himself liable to pay, or shall pay or allow, or agree to pay or allow, in account or otherwise, any sum of money upon any loss, peril, or contingency relative to any sea insurance, unless such insurance shall be written on vellum, parchment, or paper duly stamped, or if any person shall be concerned in any fraudulent contrivance or device, or shall be guilty of any wilful act, neglect, or omission, with intent to evade the duties payable on policies under this Act, or whereby the duties may be evaded, every person so offending shall for every such offence forfeit the sum of £100.

14. *Penalty on persons effecting insurance unless duly stamped.*] Every person who shall make or effect, or knowingly procure to be made or effected, any sea insurance, or shall give or pay, or render himself liable to pay, any sum of money, premium, or consideration whatever in the nature of a premium for or upon any sea insurance, or shall enter into any contract or agreement whatever for any sea insurance, unless the same insurance, contract, and agreement for insurance, respectively, shall be written on vellum, parchment, or paper being first duly stamped, shall for every such offence forfeit and pay the sum of £100: and every broker, agent, or other person negotiating or transacting any sea insurance contrary to the true intent and meaning of this Act, or writing any agreement for any sea insurance upon vellum, parchment, or paper not duly stamped, shall for every such offence forfeit the sum of £100.

15. *Penalty for issuing a copy of policy where no policy.*] If any person shall make or issue, or cause to be made or issued, any document purporting to be a copy of a policy, and there shall not be in existence, at the time of such making or issue, a policy duly stamped whereof the said document shall be a copy, he shall for such offence forfeit the sum of £100 in addition to any other penalty which he may have incurred under this Act.

16. *Brokerage not to be a legal charge unless policy duly stamped.*] It shall not be lawful for any broker, agent, or other person negotiating or transacting or making any sea insurance to charge his employer any sum of money for brokerage or agency, or for his pains or labour in negotiating, transacting, or making such insurance, or writing the same, or for any moneys expended or paid by way of premium or consideration in the nature of a premium for such insurance, unless the same shall be written on vellum, parchment, or paper, duly stamped; and all and every sum and sums whatever paid by such employer on any such account to any broker, agent, or other person negotiating or transacting or making any insurance contrary to this Act, shall be deemed to be paid without consideration, and shall remain the property of such employer, his executors, administrators, or assigns.

17. *Allowance may be made in the case specified.*] Where a policy shall be inadvertently filled up in an incorrect or improper manner, or be obliterated or otherwise spoiled and rendered unfit for use, or shall be filled up for some insurance which shall not be proceeded in, and the same shall not be signed by any underwriter, but in no other case, it shall be lawful for the said commissioners to allow as spoiled, and to cancel, the stamps on such policy, provided that application shall be made for the allowance within six months after such policy shall be spoiled or become useless; and the enactments now in force with reference to the allowance of spoiled stamps shall, so far as the same are applicable, extend to the allowance herein-before mentioned.

18. *Officers of Inland Revenue may be authorised to examine claims for allowances.*] The said commissioners may authorise any officer or officers of Inland Revenue to receive and examine the claims made for such allowance as aforesaid, and to take affidavits and affirmations relating thereto, and to administer the proper oaths and affirmations for that purpose, and to do all or any act or acts respecting such claims which the commissioners themselves are authorised to do.

AS TO INCOME TAX.

19. *Sections 6 & 7 of 29 Viet. c. 36, not to apply, &c.*] Nothing herein contained shall continue or be construed to continue the provisions contained in sections 6 & 7 of 29 Vict. c. 36; and for the purposes of this Act the year 1862, mentioned in section 43 of 25 Vict. c. 22, shall be read as and deemed to mean the year 1867.

SCHEDULES.

SCHEDULE (A.)

CONTAINING the DUTIES of CUSTOMS granted by this Act.

The duties of customs now charged on tea shall continue to be levied and charged—

On and after the 1st day of August, 1867, until the 1st day of August, 1868, on the importation thereof into Great Britain and Ireland; that is to say,—

		£	s.	d.
Tea	the lb.	0	0	6

SCHEDULE (B.)

CONTAINING the STAMP DUTIES granted by this Act.

	s.	d.
For every policy of sea insurance for or upon any voyage—		
In respect of every full sum of £100 and in respect of any fractional part of £100 thereby insured	0	3
For every policy of sea insurance for time—		
In respect of every full sum of £100 and in respect of any fractional part of £100 thereby insured—		
Where the insurance shall be made for any time not exceeding six months	0	3
Where the insurance shall be made for any time exceeding six months and not exceeding twelve months	0	6

But if the separate and distinct interests of two or more persons shall be insured by one policy for a voyage or for time, then the duty of threepence or the duty of threepence or sixpence, as the case may require, shall be charged thereon in respect of every full sum of £100 and every fractional part of £100 thereby insured upon any separate or distinct interest.

SCHEDULE (C.)

CONTAINING the Duties of INCOME TAX granted by this Act.

For one year commencing on the 6th day of April, 1867, for and in respect of all property, profits, and gains mentioned or described as chargeable in the Act of 16 & 17 Vict. c. 34 for granting to her Majesty duties on profits arising from property, professions, trades, and offices, the following duties shall be charged; that is to say,—

For every twenty shillings of the annual value or amount of all such property, profits, and gains (except those chargeable under schedule (B.) of the said Act), the duty of fourpence;

And for and in respect of the occupation of lands, tenements, hereditaments, and heritages chargeable under schedule (B.) of the said Act, for every twenty shillings of the annual value thereof—

In England the duty of twopence:

And in Scotland and Ireland respectively the duty of one penny halfpenny:

Subject to the provisions contained in section 3 of 26 Vict. c. 22, for the exemption of persons whose whole income from every source is under £100 a-year, and relief of those whose income is under £200 a-year.

SCHEDULE (D.)

CONTAINING THE ENACTMENTS REPEALED BY THIS ACT.

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
11 Geo. 1, c. 30.....	An Act for more effectual preventing frauds and abuses in the public revenues, &c., &c.	Section 44.
19 Geo. 2, c. 37.....	An Act to regulate insurance on ships belonging to the subjects of Great Britain, and on merchandise or effects laden thereon.	Section 4.
35 Geo. 3, c. 63.....	An Act for granting to his Majesty certain stamp duties on sea insurances.	The whole Act.
39 & 40 Geo. 3, c. 72	An Act to amend several laws relating to the duties on stamped vellum, parchment, and paper.	Sections 8, 9, 10, 11, and 12.
54 Geo. 3, c. 133 ...	An Act for enabling the commissioners of stamps to make allowances for spoiled stamps on policies of insurance in Great Britain, and for preventing frauds relating thereto.	The whole Act.
54 Geo. 3, c. 144 ...	An Act for better securing the stamp duties on sea insurances made in London, &c., &c.	The whole Act, except sections 13 and 14.
9 Geo. 4, c. 49	An Act to amend the laws in force relating to the stamp duties on sea insurances, &c., &c.	Section 1.
5 & 6 Vict. c. 82 ...	An Act to assimilate the stamp duties in Great Britain and Ireland, and to make regulations for collecting and managing the same until the 10th day of October, 1845.	Sections 22, 23, 24, 25, 26, 27, 28, 29, and 30.
7 Vict. c. 21	An Act to reduce the stamp duties on policies of sea insurance, &c. &c.	Section 4 and the schedule.
27 & 28 Vict. c. 56.	An Act for granting to her Majesty certain stamp duties, and to amend the laws relating to the Inland Revenue.	Section 1.
28 & 29 Vict. c. 96.	An Act to amend the laws relating to the Inland Revenue.	Sections 8 and 9.

SCHEDULE (E.)

Form of Policy.

S. G.

£

Delivered the day of 186

No.

Be it known that —— as well in —— own name, as for and in the name and names of all and every other person or persons to whom the same doth, may, or shall appertain, in part or in all, doth make assurance and cause —— and them and every of them, to be insured, lost or not lost, at and from —— upon any kind of goods and merchandises, and also upon the body, tackle, apparel, ordnance, munition, artillery, boat and other furniture, of and in the good ship or vessel called the —— whereof is master, under God, for this present voyage—or whosoever else shall go for master in the said ship, or by whatsoever other name or names the same ship, or the master thereof, is or shall be named or called, beginning the adventure upon the said goods and merchandises from the loading thereof aboard the said ship —— upon the said ship, &c. —— and shall so continue and endure, during her abode there, upon the said ship, &c.; and further, until the said ship, with all her ordnance, tackle, apparel, &c., and goods and merchandises whatsoever, shall be arrived at —— upon the said ship, &c., until she hath moored at anchor twenty-four hours in good safety, and upon the goods and merchandises until the same be there discharged and safely landed; and it shall be lawful for the said ship, &c., in this voyage to proceed and sail to and touch and stay at any ports or places whatsoever —— without prejudice to this insurance. The said ship, &c., goods and merchandises, &c., for so much as concerns the assured, by agreement between the assured and assurers in this policy, are and shall be valued at ——.

Touching the adventures and perils which we the assurers are contented to bear and do take upon us in this voyage, they are, of the seas, men-of-war, fire, enemies, pirates, rovers, thieves, jettisons, letters of mart and countermart, surprisals, takings at sea, arrests, restraints and detainments of all kings, princes, and people, of what nation, condition, or quality soever, barretry of the master and mariners, and of all other perils, losses, and misfortunes that have or shall come to the hurt, detriment, or damage of the said goods and merchandises and ship, &c., or any part thereof; and in case of any loss or misfortune it shall be lawful to the assured, their factors, servants, and assigns, to sue, labour, and travel for, in, and about the defence, safeguard, and recovery of the said goods and merchandises and ship, &c., or any part thereof, without prejudice to this insurance; to the charges whereof we, the assurers, will contribute each one according to the rate and quantity of his sum herein assured. And it is agreed by us, the insurers, that this writing or policy of assurance shall be of as much force and effect as the surest writing or policy of assurance heretofore made in Lombard-street, or in the Royal Exchange, or elsewhere in London. And so we the assurers are contented, and do hereby promise and bind ourselves, each one for his own part, our heirs, executors, and goods, to the assured, their executors, administrators, and assigns, for the true performance of the premises, confessing ourselves paid the consideration due unto us for this assurance by the assured —— at and after the rate of ——.

In witness whereof, we the assurers have subscribed our names and sums assured in ——.

N.B.—Corn, fish, salt, fruit, flour and seed are warranted free from average, unless general, or the ship be stranded; sugar, tobacco, hemp, flax, hides, and skins are warranted free from average under £5 per cent.; and all other goods, also the ship and freight are warranted free from average under £3 per cent., unless general, or the ship be stranded.

CAP. XXIV.

An Act to amend an Act of the Twenty-eighth and Twenty-ninth Years of Her present Majesty, Chapter Sixty-one, for providing a further Sum towards defraying the Expenses of constructing Fortifications for the protection of the Royal Arsenals and Dockyards and the Ports of Dover and Portland, and of erecting a Central Arsenal. [31st May, 1865.

CAP. XXV.

An Act to further continue the Act of the Twenty-ninth Year of the Reign of Her present Majesty, Chapter

One, intituled An Act to empower the Lord Lieutenant or other Chief Governor or Governors of Ireland to apprehend, and detain for a limited time, such persons as he or they shall suspect of conspiring against Her Majesty's Person and Government. [31st May, 1867.

CAP. XXVI.

An Act to provide for the Conversion of Twenty-four million Pounds Sterling of the National Debt into Terminable Annuities. [31st May, 1867.

CAP. XXVII.

An Act to allow Warehoused British Spirits to be bottled for Home Consumption. [17th June, 1867.

CAP. XXVIII.

An Act to amend "The Labouring Classes Dwellings Acts," 1866. [17th June, 1867.

1. *Short title.*] This Act may be cited as "The Labouring Classes Dwelling Houses Act, 1867."

2. *Defining meaning of certain terms in* 29 *&* 30 *Vict. cc.* 28 *and* 44.] In the 4th section of "The Labouring Classes Dwelling Houses Act, 1866," the words "Land or Dwellings" for the purposes of which the advance is made," and in the 12th section of "The Labouring Classes Lodging Houses and Dwellings Act (*Ireland*), 1866," the words "lands, buildings, or premises for the purpose of which such advance shall be made," shall respectively be construed to include any land, buildings, or premises held together with and for the same estate and interest as the lands, buildings, or premises upon which the money advanced is to be expended under the provisions of the said Act respectively.

3. *In case of advances to company part of whose capital is unpaid, loan commissioners may dispense with mortgage.*] In the case of an advance under the provisions of either of the said Acts to a company or society, any part of whose capital remains uncalled up or unpaid, it shall be lawful, in England for the Public Works Loan Commissioners, and in Ireland for the Public Works Commissioners, to dispense with a mortgage of such capital remaining uncalled up or unpaid, or of such part thereof as they may think fit.

4. *Extending* 29 & 30 *Vict. c.* 28 *to Scotland.*] Notwithstanding the 53rd section of "The Labouring Classes Lodging Houses Act, 1851," all the provisions of "The Labouring Classes Dwelling Houses Act, 1866," so far as they are applicable to Scotland, shall be deemed and construed to extend and apply to Scotland.

CAP. XXIX.

An Act to amend the Law in respect of the Sale and Purchase of Shares in Joint-Stock Banking Companies. [17th June, 1867.

Whereas it is expedient to make provision for the prevention of contracts for the sale and purchase of shares and stock in joint-stock banking companies of which the sellers are not possessed or over which they have no control:

May it therefore please your Majesty that it may be enacted; and be it enacted, &c.

1. *Contracts for sale, &c., of shares to be void unless the numbers by which such shares are distinguished are set forth in contract.*] That all contracts, agreements, and tokens of sale and purchase which shall, from and after the 1st day of July, 1867, be made or entered into for the sale or transfer, or purporting to be for the sale or transfer of any share or shares, or of any stock or other interest, in any joint-stock banking company in the United Kingdom of Great Britain and Ireland constituted under or regulated by the provisions of any Act of Parliament, Royal Charter, or letters patent, issuing shares or stock transferable by any deed or written instrument, shall be null and void to all intents and purposes whatsoever, unless such contract, agreement, or other token shall set forth and designate in writing such shares, stock, or interest by the respective numbers by which the same are distinguished at the making of such contract, agreement, or token on the register or books of such banking company as aforesaid, or where there is no such register of shares or stock by distinguishing numbers, then unless such contract, agreement, or other token shall set forth the person or persons in whose name or names such shares, stock, or interest shall at the time of making such contract stand as the registered proprietor thereof in the books of such banking company; and every person, whether principal, broker, or agent, who shall wilfully insert in any such contract agreement, or other token any false entry of such numbers, or any name or names other than that of the person or persons, in whose name such shares, stock, or interest shall stand as aforesaid, shall be guilty of a misdemeanor, and be punished accordingly, and, if in Scotland, shall be guilty of an offence punishable by fine or imprisonment.

2. *Registered shareholders may see lists.*] Joint-stock banking companies shall be bound to show their list of shareholders to any registered shareholder during business hours, from ten of the clock to four of the clock.

3. *Extent of Act limited.*] This Act shall not extend to shares or stock in the Bank of England or the Bank of Ireland.

CAP. XXX.

An Act to apply the Sum of Fourteen million Pounds out of the Consolidated Fund to the Service of the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-eight. [17th June, 1867.

CAP. XXXI.

An Act for raising the Sum of One million seven hundred thousand Pounds by Exchequer Bonds for the Service of the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-eight. [17th June, 1867.

CAP. XXXII.

An Act to authorise further Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries, and for the Employment of the Poor; for the purposes of the Public Works (Manufacturing Districts) Acts, 1863, 1864; and to amend the Acts authorising Advances for Public Works. [17th June, 1867.

29 *&* 30 *Vict. c.* 72.] "Whereas an Act was passed in the 29 & 30 Vict. c. 72, and sundry advances or loans have been made by the commissioners of the same Act and the several Acts therein recited or referred to for the purposes in the same Acts specified, and great benefits have been derived therefrom:

26 *&* 27 *Vict. c.* 70; 27 *&* 28 *Vict. c.* 104.] "And whereas by "The Public Works (Manufacturing Districts) Acts, 1863," and "The Public Works (Manufacturing Districts) Acts, 1863, 1864" (hereinafter called the "Special Acts") powers were given to charge the Consolidated Fund with certain sums to be at the disposal of the Public Works Loan Commissioners, who were thereby empowered to make (with the authority of an order of the Poor Law Board) advances out of the money for the time being at their disposal, whether under the special Acts or any other Act for the purpose of enabling local authorities in the counties therein mentioned to give employment to the labouring and manufacturing classes by execution of works of public utility and sanitary improvement:

"And whereas sundry advances have been made by the said commissioners in exercise of the powers conferred upon them by the first-mentioned Act, and the Acts therein recited, and the special Acts, and great benefits have been derived therefrom, and it is desirable further to extend the benefits derived from the said Acts:

"And whereas the sums remaining at the disposal of the said commissioners are insufficient to meet the further advances required for effecting the objects hereinbefore mentioned, and it is expedient to make provision for that purpose:"

Be it therefore enacted, &c.

1. *Power to charge £300,000 per annum upon the Consolidated Fund by issues not exceeding £75,000 per quarter.*] For the purposes of such advances or loans as aforesaid (exclusively of advances or loans for the purposes of "The Harbours and Passing Tolls, &c., Act, 1861," "The Cattle Diseases Prevention Act, 1866," "The Labouring Classes Dwellings Houses Act, 1866," and "The Public Works (Manufacturing Districts) Act, 1863," and "The Public Works (Manufacturing Districts) Acts, 1863, 1864,") the commissioners of her Majesty's Treasury of the United

Kingdom of Great Britain and Ireland for the time being are hereby empowered, by warrant under the hands of any two or more of them, to cause to be issued out of the Consolidated Fund of the United Kingdom of Great Brittain and Ireland, or out of the growing produce thereof, to the account of the commissioners for the time being for the reduction of the National Debt (in addition to the sums authorised to be issued under the first hereinbefore recited Act) any sum or sums of money not exceeding £300,000 per annum during the three years next ensuing the 30th day of June, 1867, by quarterly instalments or issues not exceeding £75,000 per quarter, the first instalment thereof to become due and payable in the quarter ending the 30th day of September, 1867.

2. *Charge on Consolidated Fund of not exceeding £300,000 to be at the disposal of the Public Works Loan Commissioners.*] For the purposes of loans under the said special Acts, the commissioners of her Majesty's Treasury may from time to time, by warrant under the hands of two or more of them, cause to be issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, to the account of the commissioners for the reduction of the National Debt, any further sum or sums of money not exceeding in the whole £300,000, such money to be applied exclusively under the special Acts, and to be at the disposal of the Public Works Loan Commissioners, in like manner in all respects as money placed at their disposal under the Act of the session of the 29 & 30 Vict. c. 72, and the Act therein recited, subject nevertheless to the provisions of the special Acts and this Act, which provisions shall have full effect notwithstanding anything in the Public Works Loan Act, 1853, or any other Act relating to the Public Works Loan Commissioners to the contrary contained.

3. *Instalments may be issued when required for purposes of loans under 29 & 30 Vict. c. 72, and this Act instead of quarterly.*] In case any one or more of the quarterly instalments or issues authorised to be issued by the Act of 29 & 30 Vict. c. 72, or by this Act, or by any other Act, already passed or hereafter to be passed, authorising issues quarterly out of the Consolidated Fund for the same or other like purposes as in the said Acts respectively mentioned, shall not have been issued in the respective quarters in which such quarterly instalments or issues were originally authorised to be issued, it shall be lawful for the Commissioners of her Majesty's Treasury, from time to time, or at any time after the expiration of the authorised quarter or quarters respectively, to issue out of the Consolidated Fund or the growing produce thereof, in like manner and for the like purpose as originally authorised, all or such part or parts of the instalment or issue, instalments or issues, so remaining unissued in the authorised quarter or quarters, as shall from time to time be required by the commissioners for carrying the said Acts and this Act into execution: Provided always, that nothing in this Act contained shall authorise the issue of any larger sum of money in the whole than the aggregate amount of the quarterly instalments or issues which under the terms of the Acts hereinbefore referred to and this Act may then have become due or issuable.

4. *Commissioners may make advances for police stations, &c. 4 Geo. 4, c. 63.*] The commissioners of the said Act of 29 & 30 Vict. c. 72, and of the several Acts therein recited, and of this Act, may upon the application of the major part of the justices of any county, riding, or division in England in quarter sessions assembled, such major part to consist of five at the least, and upon the application of the council of any borough, lend and advance and apportion or distribute and authorise to be paid for the purpose of defraying the expense of works in progress, or the expense to be incurred in building, rebuilding, enlarging, repairing, improving, or fitting up of police stations, justices' rooms, depôts for militia arms and stores, and offices connected therewith respectively, or any of such purposes, any part or parts of the moneys to be issued and paid out of the Consolidated Fund under the said Act, or the several Acts therein recited, for such times or periods, at such rate or rates of interest, upon such security of rates to be expressly made for such purpose by the justices of the peace for the county or council of the borough in or to which such police stations, justices' rooms, militia depôts, or offices shall be respectively situate or belong, and subject to such or the like terms and conditions, or any or either of them, as are in the same Acts respectively specified and prescribed in regard to loans under the same Acts or any or either of them, or any Act or Acts having relation thereto; and in case any such loans or advances as aforesaid shall be made, such justices or council, as the case may be, are hereby authorised, empowered, and required to make and assign such rates as aforesaid on such or the like terms, and subject to such or the like provisions as are in and by 4 Geo. 4, c. 63, expressed and contained in regard to advances or loans to be made thereunder for building, enlarging, or repairing gaols in England.

5. *29 & 30 Vict. c. 72 incorporated.*] All the several clauses, powers, authorities, provisoes, enactments, directions, regulations, restrictions, privileges, priorities, advantages, penalties, and forfeitures contained in and conferred and imposed by the said Act of 29 & 30 Vict. c. 72, and the Acts therein recited, or any of them, so far as the same can be made applicable, and are not varied by the special Acts or this Act, shall be taken to extend to this Act, and to everything to be done in pursuance of this Act, and as if the same were herein repeated and set forth.

6. *Construction of terms.*] The terms used in this Act shall be construed in like manner as in the special Act.

CAP. XXXIII.

An Act for confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Balbriggan, Cromer, Dingwall, Girvan, Rothesay, and Seaford. [17th June, 1867.

CAP. XXXIV.

An Act for limiting the Period of Enlistment in Her Majesty's Army. [20th June, 1867.

CAP. XXXV.

An Act to remove some Defects in the Administration of the Criminal Law. [20th June, 1867.

"Whereas it is found that delay and inconvenience frequently caused by the provisions contained in the first section of the Act 22 & 23 Vict. c. 17, in cases not within the mischief for remedy whereof the same Act was made and passed, and it is expedient to restrict the operation thereof:

Be it enacted, &c.

1. *Limitation of 22 & 23 Vict. c. 17.*] That the said provisions of the said first section of the said Act shall not extend or be applicable to prevent the presentment to or finding by a grand jury of any bill of indictment containing a count or counts for any of the offences mentioned in the said Act, if such count or counts be such as may not be lawfully joined with the rest of such bill of indictment, and if the same count or counts be founded (in the opinion of the court in or before which the same bill of indictment is to be preferred) upon the facts or evidence disclosed in any examinations or depositions taken before a justice of the peace, in the presence of the person accused or proposed to be accused by such bill of indictment, and transmitted or delivered to such court in due course of law; and nothing in the said Act shall extend or be applicable to prevent the presentment to or finding by a grand jury of any bill of indictment, if such bill be presented to the grand jury with the consent of the court in or before which the same may be preferred.

2. *On acquittal, &c., of person indicted, who has not been committed or held to bail, court may order prosecutor to pay costs to accused if it think the prosecution unreasonable.*] Whenever any bill of indictment shall be preferred to a grand jury, under the provisions of the Act 22 & 23 Vict. c. 17, against any person who has not been committed to or detained in custody, or bound by recognizance to answer such indictment, and the person accused thereby shall be acquitted thereon, it shall be lawful for the court before which such indictment shall be tried, in its discretion to direct and order that the prosecutor or other person by or in whose instance such indictment shall have been preferred shall pay unto the accused person the just and reasonable costs, charges, and expenses of such accused person and his witnesses (if any) caused or occasioned by or consequent upon the preferring of such bill of indictment, to be taxed by the proper officer of the court; and upon non-payment of such costs, charges, and expenses within one calendar month after the date of such direction and order, it shall be lawful for any of the Superior Courts of Law at Westminster

any judge thereof, or for the justices and judges of the Central Criminal Court (if the bill of indictment has been preferred in that court), to issue against the person on whom such order is made such and the like writ or writs, process or processes, as may now be lawfully issued by any of the said Superior Courts for enforcing judgments thereof.

3. *Accused person to be asked by justice if he desire to call witnesses. Their depositions to be taken and returned to court of trial if accused person call any.*] "And whereas complaint is frequently made by persons charged with indictable offences, upon their trial, that they are unable by reason of poverty to call witnesses on their behalf, and that injustice is thereby occasioned to them; and it is expedient to remove, as far as practicable, all just ground for such complaint:" Therefore, in all cases where any person shall appear or be brought before any justice or justices of the peace, charged with any indictable offence, whether committed within this realm or upon the high seas or upon land beyond the sea, and whether such person appear voluntarily upon summons, or has been apprehended with or without warrant, or be in custody for the same or any other offence such justice or justices, before he or they shall commit such accused person for trial or admit him to bail, shall, immediately after obeying the direction of the 18th section of the Act 11 & 12 Vict. c. 42, demand and require of the accused person whether he desires to call any witness; and if the accused person shall, in answer to such demand, call or desire to call any witness or witnesses, such justice or justices shall, in the presence of such accused person, take the statement on oath or affirmation, both examination and cross-examination, of those who shall be so called as witnesses by such accused person, and who shall know anything relating to the facts and circumstances of the case or anything tending to prove the innocence of such accused person, and shall put the same into writing; and such depositions of such witnesses shall be read over to and signed respectively by the witnesses who shall have been so examined, and shall be signed also by the justice or justices taking the same, and transmitted in due course of law with the depositions, and such witnesses, not being witnesses merely to the character of the accused, as shall in the opinion of the justice or justices give evidence in any way material to the case or tending to prove the innocence of the accused person, shall be bound by recognizance to appear and give evidence at the said trial; and afterwards, upon the trial of such accused person, all the laws now in force relating to the depositions of witnesses for the prosecution shall extend and be applicable to the depositions of witnesses hereby directed to be taken.

4. *Provisions of 11 & 12 Vict. c. 42, extended to this Act.*] All the provisions of the said Act 11 & 12 Vict. c. 42, relating to the summoning and enforcing the attendance and committal of witnesses, and binding them by recognizance and committal in default, and for giving the accused person copies of the examinations, and giving jurisdiction to certain persons to act alone, shall be read and shall have operation as part of this Act.

5. *If witnesses for accused, bound by recognizance, appear at the trial, Court may allow expenses.*] The Court before which any accused person shall be prosecuted or tried, or for trial, before which he may be committed or bailed to appear for any felony or misdemeanour, is hereby authorised and empowered, in its discretion, at the request of any person who shall appear before such Court on recognisance to give evidence on behalf of the person accused, to order payment unto such witness so appearing such sum of money as to the Court shall seem reasonable and sufficient to compensate such witness for the expenses, trouble, and loss of time he shall have incurred or sustained in attending before the examining magistrate, and at or before such Court; and the amount of such expenses of attending before the examining magistrate, and compensation for trouble and loss of time therein, shall be ascertained by the certificate of such magistrate, granted before the attendance in court; and the amount of all other expenses and compensation shall be ascertained by the proper officer of the court, who shall, upon receipt of the sum of sixpence for each witness, make out and deliver to the person entitled thereto an order for such expenses and compensation, together with the said fee of sixpence, upon such and the same treasurers and officers as would now by law be liable to payment of an order for the expenses of the prosecutor or witnesses against such accused person; and if the accusation be of such kind that the Court shall have no power to order the expenses of the prosecutor, then upon the treasurer or other officer in the capacity of a treasurer of the county, riding, division, city, borough, or place where the offence of such accused person may be alleged to have been committed, which treasurer or other officer is hereby required to pay the same orders upon sight thereof, and shall be allowed the same in his accounts: Provided always, that in no case shall any such allowances or compensation exceed the amount now by law permitted to be made to prosecutors and witnesses for the prosecution; and provided always, that such allowances and compensation shall be allowed and paid as part of the expenses of the prosecution.

6. *Power to take deposition of person dangerously ill, and not likely to recover, and to make same evidence in certain events after death of such person.*] "And whereas by the seventeenth section of the Act 11 & 12 Vict. c. 42, it is permitted under certain circumstances to read in evidence on the trial of an accused person the deposition taken in accordance with the provisions of the said act of a witness who is dead, or so ill as to be unable to travel; and whereas it may happen that a person dangerously ill, and unable to travel, may be able to give material and important information relating to an indictable offence, or to a person accused thereof, and it may not be practicable or permissible to take, in accordance with the provisions of the said Act, the examination or deposition of the person so being ill, so as to make the same available as evidence in the event of his or her death before the trial of the accused person, and it is desirable in the interests of truth and justice that means should be provided for perpetuating such testimony, and for rendering the same available in the event of the death of the person giving the same:" Therefore, whenever it shall be made to appear to the satisfaction of any justice of the peace that any person dangerously ill, and in the opinion of some registered medical practitioner not likely to recover from such illness, is able and willing to give material information relating to any indictable offence, or relating to any person accused of any such offence, and it shall not be practicable for any justice or justices of the peace to take an examination or deposition in accordance with the provisions of the said Act of the person so being ill, it shall be lawful for the said justice to take in writing the statement on oath or affirmation of such person so being ill, and such justice shall thereupon subscribe the same, and shall add thereto by way of caption a statement of his reason for taking the same, and of the day and place when and where the same was taken, and of the names of the persons (if any) present at the taking thereof, and, if the same shall relate to any indictable offence for which any accused person is already committed or bailed to appear for trial, shall transmit the same with the said addition to the proper officer of the court for trial at which such accused person shall have been so committed or bailed; and in all other cases he shall transmit the same to the clerk of the peace of the county, division, city, or borough in which he shall have taken the same, who is hereby required to preserve the same, and file it of record; and if afterwards, upon the trial of any offender or offence to which the same may relate, the person who made the same statement shall be proved to be dead, or if it shall be proved that there is no reasonable probability that such person will ever be able to travel or to give evidence, it shall be lawful to read such statement in evidence, either for or against the accused, without further proof thereof, if the same purports to be signed by the justice by or before whom it purports to be taken, and provided it be proved to the satisfaction of the court that reasonable notice of the intention to take such statement has been served upon the person (whether prosecutor or accused) against whom it is proposed to be read in evidence, and that such person, or his counsel or attorney, had or might have had, if he had chosen to be present, full opportunity of cross-examining the deceased person who made the same.

7. *Provision for the prisoner being present at taking of statement.*] Whenever a prisoner in actual custody shall have served or shall have received notice of an intention to take such statement as herein-before mentioned, the judge or justice of the peace by whom the prisoner was committed, or the visiting justices of the prison in which he is confined, may, by an order in writing, direct the gaoler having the custody of the prisoner to convey him to the place mentioned in the said notice for the purpose of being present at the taking of the statement; and such gaoler shall convey the

prisoner accordingly, and the expenses of such conveyance shall be paid out of the funds applicable to the other expenses of the prison from which the prisoner shall have been conveyed.

8. *Provisions of 24 & 25 Vict. c. 66, as to witnesses who object to be sworn, extended to jurors.*] "And whereas relief has been given by the statute 24 & 25 Vict. c. 66, to persons refusing, from alleged conscientious motives, to be sworn as witnesses in criminal proceedings, and it is expedient to extend that relief to persons required to serve as jurors:" Therefore if any person summoned or required to serve as a juror in any civil or criminal proceeding shall refuse or be unwilling, from alleged conscientious motives, to be sworn, it shall be lawful for the Court or judge, or other presiding officer or person qualified to administer an oath to a juror, upon being satisfied of the sincerity of such objection, to permit such person, instead of being sworn, to make his or her solemn affirmation or declaration in the words following:—

"I, A. B., do solemnly, sincerely, and truly affirm and declare that the taking of any oath is, according to my religious belief, unlawful; and I do also solemnly, sincerely, and truly affirm and declare," &c.

Which solemn affirmation and declaration shall be of the same force and effect, and if untrue shall entail all the same consequences, as if such person had taken an oath in the usual form; and whenever in any legal proceedings it is necessary or usual to state or allege that jurors have been sworn, it shall not be necessary to specify that any particular juror has made affirmation or declaration instead of oath, but it shall be sufficient to state or allege that the jurors' have been "sworn or affirmed."

9. *Money found on prisoner to be given to purchaser of property not known to be stolen, on restitution of property.*] Where any prisoner shall be convicted, either summarily or otherwise, of larceny or other offence, which includes the stealing of any property, and it shall appear to the Court by the evidence that the prisoner has sold the stolen property to any person, and that such person has had no knowledge that the same was stolen, and that any moneys have been taken from the prisoner on his apprehension, it shall be lawful for the court on the application of such purchaser, and on the restitution of the stolen property to the prosecutor, to order that out of such moneys a sum not exceeding the amount of the proceeds of the said sale be delivered to the said purchaser.

10. *Governor of prison to bring up the body of any person indicted, without writ of* habeas corpus, *under order of Court.*] Where recognisances shall have been entered into for the appearance of any person to take his trial for any offence at any court of criminal jurisdiction, and a bill of indictment shall be found against him, and such person shall be then in the prison belonging to the jurisdiction of such Court, under warrant of commitment, or under sentence for some other offence, it shall be lawful for the Court, by order in writing, to direct the governor of the said prison to bring up the body of such person in order that he may be arraigned upon such indictment without writ of *habeas corpus*, and the said governor shall thereupon obey such order.

11. *Extent of Act.*] This Act shall not extend to Ireland.

12. *Commencement of Act.*] This Act shall come into operation on the 1st of October, 1867.

CAP. XXXVI.

An Act to authorise the Quarter Sessions of the Peace for the Borough and City of Chester and County of the same City, and the Portmote and Pentice Courts for the City of Chester, to be held at the Castle of Chester, and to confer additional Powers upon the Sheriff of the County of Chester in exoneration of the Sheriff of the City of Chester. [15th July, 1867.

CAP. XXXVII.

An Act to amend and consolidate the Public Libraries Acts (Scotland). [15th July, 1867.

CAP. XXXVIII.

An Act for the Preservation of Bunhill Fields Burial Ground in the County of Middlesex as an open Space; and for other Purposes relating thereto. [15th July, 1867.

CAP. XXXIX.

An Act for amending the Law with respect to the Accounts of the Receiver for the Metropolitan Police District; and for other Purposes relating to the Metropolitan Police. [15th July, 1867.

CAP. XL.

An Act to authorise the Commissioners of Her Majesty's Works and Public Buildings to acquire Lands for the Purposes of the New Palace at Westminster, and to construct an Embankment on the North Shore of the River Thames in the Parish of Saint John the Evangelist, Westminster. [15th July, 1867.

"Whereas it is expedient for the security of her Majesty's New Palace at Westminster (commonly called the Houses of Parliament), and for the improvement of the approaches thereto, and of the embankment in front thereof, that the additional lands described and shown in the plans hereinafter mentioned should be acquired and appropriated in manner hereinafter mentioned; but such acquisition and appropriation cannot be effected without the authority of Parliament:

"And whereas duplicate plans describing the situation of the said lands (hereinafter referred to as the prescribed lands), with a book of reference thereto containing the names of the owners and lessees or reputed owners and lessees, and of the occupiers thereof, have been deposited with the clerk of the peace for the county of Middlesex at his office at the Sessions House, Clerkenwell, and with the clerk of the Westminster District Board of Works:"

Be it enacted, &c.

Acquisition of Site.

1. *Purposes of the Act.*] The purposes of this Act are the acquisition of lands for the purposes of the New Palace at Westminster, and the construction of a further embankment of the river Thames in connection therewith, and doing such works and things as are or may be necessary for or conducive to the attainment of the above purposes, or either of them, or incidental thereto.

2. *Commissioners of her Majesty's Works, as incorporated by 15 & 16 Vict. c. 28, to carry this Act into effect.*] The Commissioners of her Majesty's Works and Public Buildings, as incorporated by the Act of 15 & 16 Vict. c. 28, and who are hereinafter referred to as the Commissioners, shall have the charge of carrying this Act into effect; but all the prescribed lands, as and when they shall be acquired for or become appropriated to the purposes of this Act, shall be conveyed to her Majesty, her heirs or successors, for the purposes of this Act, and the hereinbefore mentioned Act of 15 & 16 Vict. c. 28, or for such other purposes of public utility as may be sanctioned by Parliament; and the Commissioners shall have power to sell, lease, or otherwise dispose of any parts of the prescribed lands which may not be required for the purposes of this Act, in manner by the said Act of 15 & 16 Vict. authorised and prescribed, and to convey, lease, and otherwise dispose of all the estate and interest of her Majesty, her heirs or successors, in the land so sold, leased, or disposed of.

3. *Power to Commissioners to purchase lands.*] The Commissioners may, out of any moneys which have been or may be placed at their disposal by Parliament for that object, purchase, acquire, take, and use the whole or any part of the prescribed lands.

4. *Commissioners to make good to parishes of St. Margaret and St. John the Evangelist deficiencies in rates.*] "And whereas by reason of taking the prescribed lands or parts thereof for the purposes of this Act there may be deficiencies in the produce of the assessments for the relief of the poor and making certain payments directed by Act of Parliament to be made out of the poor's rate, as also in the produce of other assessments directed to be raised and levied on the persons and in respect of the property by law rateable to the relief of the poor of the parishes of St. Margaret and St. John the Evangelist, Westminster: And whereas the rates of the said parishes have been mortgaged, and are now charged with and subject to the repayment of certain sums amount-

ing in the aggregate to £23,328 or thereabouts, principal money with interest thereon, and it is expedient that provision should be made for a contribution for a limited time by the said Commissioners in aid of the poor rate and other rates to be raised and levied as herein-before mentioned:" Be it enacted, That the said Commissioners shall from and after the 24th of June, 1869, yearly and every year until the 29th of September, 1873, by and out of such moneys as Parliament may from time to time place at their disposal for that purpose, pay and make good to the said parishes such sum or sums of money not exceeding the sum of £403 per annum as shall be deficient in respect of the said rates by reason or means of taking the prescribed lands or any part thereof for the purposes of this Act, such deficiency to be calculated and ascertained with reference to the sum of £403, being the amount actually collected for and in respect of such rates made in the year 1866 in respect of houses and buildings which may be shut up or taken down, or of ground taken and used by the Commissioners for the purposes of this Act, an account of which deficiencies shall from time to time be made out and delivered to the Commissioners, verified by the collector or other proper officer of the said parishes in such manner and form as the Commissioners shall direct, and no payment shall be made until such account has been delivered, duly verified, to the said commissioners, and approved of by them or on their behalf.

5. *When first payment to be made.*] The first payment in respect of such deficiency, so ascertained and verified as aforesaid to be made on the 24th day of June, 1870, and the receipt of the Treasurer for the time being of the said parishes or of the collector for the time being of the said rates shall be a good and sufficient discharge to the Commissioners for such payment: Provided always, that in case any Act shall be passed before the said 29th day of September, 1873, rendering Crown or public property or the owners or occupiers thereof, liable to be assessed to the poor rate and other rates to be raised and levied as hereinbefore mentioned, the contribution or payments by this Act provided for in respect of such deficiency in the poor rates and other rates as aforesaid shall thereupon cease and be no longer made or paid.

6. *Commissioners to make good deficiency in rector's rate made under* 1 *Geo.* 2, *c.* 15, *and pay an annual sum to rector of St. John the Evangelist for loss of fees, &c.*] "And whereas by reason of taking the prescribed lands for the puposes of this Act there will be deficiencies in the produce of the assessments made and to be made pursuant to a certain Act of Parliament of 1 Geo. 2, c. 15, intituled 'An Act for making provision for the rector of the new church situate near Millbank, in the parish of St. Margaret, Westminster, and for other purposes therein mentioned.' for raising yearly and every year £125 towards a further provision for the rector of the parish of St. John the Evangelist, as therein mentioned:" And for the purpose of providing against any deficiency in the rate referred to in the last-mentioned Act which may be occasioned as aforesaid, be it enacted, That the said Commissioners shall, out of such moneys as have been or may be placed at their disposal by Parliament for that purpose, annually make good and pay the deficiency arising in the said rate by reason of any property having been taken or used for the purposes of this Act, and the said Commissioners shall pay to the collector appointed by the vestry of St. John the Evangelist to collect the said rate, or other proper authority, all such deficiency; and in the event of any difference as to the amount of such deficiency, the same shall be definitely settled by an arbitrator appointed by her Majesty's Attorney-General for the time being; and the said Commissioners shall also, out of such moneys as aforesaid, pay to the rector for the time being of the said parish the annual sum of £2 for the loss of oblations, surplice fees, and other customary payments that may be taken away in consequence of carrying into effect the purposes of this Act, such last-mentioned sum of £2 to be paid to the rector for the time being of the said parish of St. John by half-yearly instalments of twenty shillings each on the 24th day of June and the 25th day of December in each and every year, the first half-yearly payment to be made on the 24th day of June, 1869.

7. *Power to Commissioners to enter upon lands.*] The Commissioners, their surveyors, officers, and workmen, may at all reasonable times in the daytime, upon giving twenty-four hours previous notice in writing, enter into and upon any of the prescribed lands, for the purpose of surveying or valuing the same.

8. 8 & 9 *Vict. c.* 18 *and* 23 & 24 *Vict. c.* 106 *incorporated.*] "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall, except as hereby expressly varied, be incorporated with this Act; but,—

(1.) There shall not be incorporated with this Act the sections and provisions of "The Lands Clauses Consolidation Act, 1845," hereinafter mentioned; that is to say, section 16, whereby it is provided that the capital is to be subscribed before the compulsory powers are to be put in force; section 17, whereby it is provided that the certificate of the justices shall be evidence that the capital has been subscribed; or the provisions relating to affording access to the special Act:

(2.) In the construction of this Act and the said incorporated Acts this Act shall be deemed to be the "Special Act," and the Commissioners shall be deemed to be "the promoters of the undertaking:"

(3.) The term "sheriff" used in the provisions of "The Lands Clauses Consolidation Act, 1845," relating to the reference to a jury, shall be deemed to apply to the High Bailiff of the city and liberty of Westminster or his deputy:

(4.) The bond required by section 85 of "The Lands Clauses Consolidation Act, 1845," shall be under the common seal of the Commissioners, and shall be sufficient without the addition of the sureties in the said section mentioned:

9. *Extinction of rights of way and other easements.*] Upon the purchase by the Commissioners of the prescribed lands (save as hereinafter provided) all rights of way, rights of mooring, rights of laying down or of continuing any pipes, sewers or drains, on, over, through, or under the prescribed lands or any part thereof, including so much of the bed and foreshore of the River Thames as is within the limits of the prescribed lands, and all other rights or easements in or relating to such lands or any part thereof shall be extinguished; and all the soil of such ways, bed, and foreshore, and the property in the pipes, sewers, or drains, shall vest in her Majesty, her heirs and successors, for the purposes of this Act, subject to this provision, that all persons and bodies of persons, corporate or unincorporate, may recover from the Commissioners such compensation, if any, as they may be entitled to for any rights of property of which they may be deprived in pursuance of this section, the amount of such compensation to be determined in manner provided by the said "Lands Clauses Consolidation Act, 1845."

10. *As to claims for compensation by yearly tenants.*] All claims for compensation made upon the Commissioners under the provisions of this Act or any Act incorporated herewith shall, if the person claiming to be entitled to compensation has no greater interest than as tenant for a year or from year to year in the lands in respect of which the compensation is claimed, be determined in manner provided by the 121st section of "The Lands Clauses Consolidation Act, 1845."

11. *Limit for compulsory purchases.*] The limit for the compulsory purchase of lands under this Act shall be three years.

12. *Powers to Commissioners to execute works.*] The Commissioners may embank and fill up the bed and shore of the River Thames as shown on the aforesaid plans, and may pull down and remove any buildings, stairs, piers, landing places, hards, piles, or other erections on the prescribed lands, and may construct thereon such embankment, stairs, piers, and landing places, buildings, and works, and do all such other things as may in their opinion be necessary or expedient in order to carry into effect the purposes of this Act or any of them.

13. *For protection of the owners and occupiers of Dorset Wharf.*

14. *For protection of sewers of Metropolitan Board of Works.*] Where any works to be done under or by virtue of this Act shall or may pass over, under, or by the side of or so as to interfere with any main sewer under the jurisdiction or

control of the Metropolitan Board of Works, the Commissioners shall not commence such work until they shall have given to the said Metropolitan Board fourteen days previous notice in writing of their intention to commence the same, by leaving such notice at the principal office of such board, with a plan and section showing the course and inclination thereof, and other necessary particulars relating thereto, and until such board shall have signified their approval of the same, unless such board do not signify their approval, disapproval, or other directions within fourteen days after service of the said plans, sections, and particulars as aforesaid; and the Commissioners shall comply with and conform to all orders, directions, and regulations of the said Metropolitan Board in the execution of the said works, and shall provide by new, altered, or substituted works in such manner as such board may deem necessary for the proper protection of and for preventing injury or impediment to the main sewers hereinbefore referred to by or by reason of the said intended works or any part thereof, and shall save harmless the said Metropolitan Board against any expense to be occasioned thereby; and all such last-mentioned works shall be done by or under the direction, superintendence, and control of the engineer or other officer or officers of the said Metropolitan Board, at the expense in all respects of the Commissioners; and all expenses which the said Metropolitan Board may be put to by reason of the works of the Commissioners, whether in the execution of works, the preparation or examination of plans or designs, superintendence, or otherwise, shall be paid to such board by the Commissioners; and when any new, altered, or substituted works as aforesaid, or any works connected therewith, shall be completed by or at the expense of the commissioners, under the provisions of this Act, the same shall thereafter be as fully and completely under the directions, jurisdiction, and control of the said Metropolitan Board as any sewers or works now are or hereafter may be; and nothing in this Act shall extend to prejudice, diminish, alter, or take away any of the rights, powers, or authorities of the said Metropolitan Board, but all such rights, powers, and authorities shall be as valid and effectual as if this Act had not been passed; provided that no renewal or alteration, other than a change of site of existing works, shall be deemed new works under this Act; and if the Commissioners shall complain of any withholding of consent on the part of the said Board, or of any orders and directions and regulations, or of any charges sought to be imposed by such Board upon the Commissioners, in the execution of any such works, it shall be lawful for her Majesty's Principal Secretary of State for the Home Department for the time being to determine every such difference, and by order under his hand to authorise the works and the manner of executing the same, as he shall think fit; and after the date of the application by the Commissioners to the said Secretary of State no penalty shall be incurred by any default of the Commissioners in respect of or in relation to such works, or the matters in difference between the parties.

15. *Buildings exempt from 18 & 19 Vict. c. 122.*] All buildings erected on the prescribed lands shall be exempt from the operation of the first part of "The Metropolitan Buildings Act, 1855."

Miscellaneous.

16. *No purchase to be made without the authority of the Treasury.*] No purchase shall be made by the Commissioners for the purposes of this Act without the consent in writing of the Commissioners of her Majesty's Treasury, but it shall not be necessary for any vendor or for any purchaser from the said Commissioners to ascertain that such assent has been given, nor shall the Commissioners be bound to produce to any such vendor or purchaser any evidence of such assent, and any such assent may be given either generally or for any particular purchase or purchases, as to the said Commissioners of the Treasury may seem meet.

17. *Authentication of notices.*] Every notice, summons, writ, or other document required to be given, issued, or signed by or on behalf of the Commissioners may be given, issued, or signed by the solicitor or secretary for the time being of the Commissioners, and need not be under the Common Seal of the Commissioners.

18. *Contracts made by first Commissioner of works to be valid.*] All contracts in writing made by the first Commissioner of her Majesty's works and public buildings in the execution of any of the powers of this Act given to the Commissioners incorporated as aforesaid shall be valid, and shall be binding on the Commissioners as if the same had been under their Corporate Seal.

19. *Moneys payable to the Commissioners to be paid to her Majesty's Paymaster-General.*] All moneys payable to the Commissioners under the provisions of this Act from the sale of any materials or otherwise shall be paid to her Majesty's Paymaster-General or the Assistant Paymaster-General for the time being, or other officer acting for the Paymaster-General, whose receipt unstamped shall be a sufficient discharge for the same to the persons paying the same, and such moneys so paid as aforesaid shall from time to time be by such Paymaster-General paid over and applied as the Commissioners shall by any order direct, and in the meantime shall be applied or invested in the purchase of Exchequer Bills, if the Commissioners shall so direct.

20. *Orders concerning money paid into court may be made at chambers.*] All orders which under this Act the Court of Chancery is empowered to make on motion or petition in relation to any money paid into the Bank of England with the privity of the Accountant-General of the Court of Chancery under this Act, or the securities in or upon which the same may be invested or the dividends or interest on such money and securities, or the costs of any application, may be made by any judge of the said court, upon application to him while sitting at chambers, upon summons in like manner as in other cases in which proceedings may be so had, subject nevertheless to any general orders which may hereafter be made concerning the practice, proceedings, or business of the said court on any such applications.

21. *Penalty for obstructing Commissioners.*] If any person wilfully obstruct any person acting under the authority of the Commissioners in the lawful exercise of the powers vested in them under this Act, he shall forfeit a sum not exceeding £5 for every such offences, to be recovered in a summary manner.

22. *Deeds not liable to stamp duty.*] No deed, bond, or other instrument made by, to, or with the Commissioners for any of the purposes of this Act, shall be subject to any stamp duty imposed by any Act now in force, nor to any stamp duty to be imposed by any future Act unless such instruments are specially charged therewith in such future Act.

23. *Deeds to be enrolled in Court of Exchequer.*] Every conveyance, assignment, or other deed or instrument whereby any land by this Act authorized to be purchased is conveyed or assigned to or in trust for her Majesty, her heirs or successors, for the purposes of this Act, shall be enrolled amongst the records of her Majesty's Court of Exchequer, and entered in the books of the said Commissioners; and every such conveyance, assignment, or other deed or instrument when so enrolled shall, without any other enrolment or acknowledgment thereof, and without any registry thereof, be good and available in law, any Act of Parliament, law, practice, or usage to the contrary in anywise notwithstanding.

24. *Plan to be deposited in the Office of Works and open to Inspection.*] A copy of the plan of the prescribed lands shall be deposited at the office of the commissioners, and shall remain at the said office, to the end that all persons may at all seasonable times, on payment of a fee of one shilling, have liberty to inspect the same.

25. *Short title.*] This Act may be cited for all purposes as "The Houses of Parliament Act, 1867."

CAP. XLI.

An Act to make further Provision for the Enlargement of the National Gallery. [15th July, 1867.

29 & 30 *Vict. c.* 83.] "Whereas under the provisions of the Act of the 29 & 30 Vict. c. 83 (called "The National Gallery Enlargement Act, 1866"), the Commissioners of her Majesty's works and public buildings have acquired or are empowered to acquire certain lands for the enlargement and improvement of the National Gallery:"

"And whereas the lands described and shown in the plan hereinafter particularly mentioned are part of the lands which the said Act relates, but the said commissioners have no power to acquire the same under the authority of the Act otherwise than by agreement:

"And whereas no agreement has been made with the

owners or reputed owners of the said lands for the purchase thereof, and such owners or reputed owners are of themselves incapacitated from entering into any valid agreement for that purpose, and the said lands being required and necessary for the enlargement and improvement of the National Gallery contemplated by the said Act, it is expedient that the said Commissioners should have such further powers of acquiring and appropriating the said lands as are hereinafter contained:

Deposit of Plans and Book of Reference descriptive of Site.] "And whereas duplicate plans describing the situation of the said lands to which this Act relates (hereinafter referred to as the prescribed lands), with a book of reference thereto containing the names of the owners and lessees or reputed owners and lessees, and of the occupiers thereof, have been deposited with the clerk of the peace for the county of Middlesex at his office at the sessions house, Clerkenwell, in the said county, and with the vestry clerk of the parish of Saint Martin in the Fields at his office:"

Be it enacted, &c.

1. *Purposes of the Act.*] The purposes of this Act are the acquisition and appropriation of additional lands for the enlargement and improvement of the National Gallery aforesaid, and the constructing and doing such works and things as are conducive to the attainment of the above purposes or any of them, or incidental thereto.

2. *Commissioners of her Majesty's works as incorporated by* 15 & 16 *Vict c.* 28, *to carry this Act into effect.*] The Commissioners of her Majesty's Works and Public Buildings, as incorporated by the Act of the 15 & 16 Vict. c. 28, and who are hereinafter referred to as the commissioners, shall have the charge of carrying this Act into effect; but all the prescribed lands as and when they shall be acquired for or become appropriated to the purposes of this Act shall be conveyed to her Majesty, her heirs or successors, for the purposes of this Act, or for such other purposes of public utility as may be sanctioned by Parliament; nevertheless any parts of the prescribed lands which may not be required for the purposes of this Act may be sold and disposed of by the commissioners in manner by the said Act of the 15 & 16 Vict. authorized and prescribed and the commissioners in such case shall have power to convey all the estate and interest of her Majesty, her heirs or successors, in the land so sold or disposed of.

3. *Power to commissioners to purchase lands.*] The commissioners may out of any moneys which have been or may be placed at their disposal by parliament for that object, purchase, take and use the whole or any part of the prescribed lands.

4. *Commissioners may enter lands to survey or value.*] The commissioners, their surveyors, officers, and workmen, may at all reasonable times in the daytime, upon giving twenty-four hours previous notice in writing, enter into and upon any of the prescribed lands for the purposes of surveying or valuing the same.

5. 8 & 9 *Vict. c.* 18, *and* 23 & 24 *Vict. c.* 106, *with certain exceptions, incorporated.*] The Lands Clauses Consolidation Acts of 1845 and 1860 shall be incorporated with this Act, with the exceptions and subject to the provisions hereinafter contained, and also with the exceptions and additions and subject to the provisions hereinafter contained; that is to say,

1. There shall not be incorporated with this Act the provisions in s. 16 of the Act of 1845, whereby it is provided that the capital is to be subscribed before the compulsory powers are to be put in force, or the provisions relating to affording access to the Special Act:
2. In the construction of this Act and the said incorporated acts this Act shall be deemed to be the special act, and the commissioners shall be deemed to be "the promotors of the undertaking:
3. The bond required by s. 85 of the act of 1845 shall be under the common seal of the commissioners, and shall be sufficent without the addition of sureties in the said section mentioned.

6. *Compensation for lands belonging to parochial schools of St. Martin's taken for purposes of this Act.*] Notwithstanding anything in this Act or in the Acts incorporated herewith contained, the amount of compensation to be paid by the commissioners for the lands belonging to the parochial schools of the parish of St. Martin-in-the-fields in the county of Middlesex, or to the school in the said parish founded by Archbishop Tenison, which may be compulsorily taken for the purposes of this Act, shall be estimated and adjudged for the cost of the reinstatement of Archbishop Tenison's School within or in promixity to the parish of St. Martin-in-the-fields, and of the reinstatement of the Parochial Schools within the said parish.

7. *Extinction of rights of way and other easements.*] Upon the purchase or acquisition for the purposes of this Act of the prescribed lands or any part thereof (save as hereinafter provided), all rights of way, rights of laying down or continuing any pipes, sewers, or drains on, through, or under such lands or part thereof, and all other rights or easements in or relating to such land or part thereof, shall be extinguished, and all the soil of such ways, and the property in the pipes, sewers, or drains, shall vest or continue vested in her Majesty, subject to this provision, that all persons or bodies of persons, corporate or unincorporate, may recover from the commissioners such compensation (if any) as they may be entitled to for any rights or property of which they may be deprived in pursuance of this section, the amount of such compensation to be determined in manner provided by the said Lands Clauses Consolidation Act, 1845.

8. *As to claims for compensation by yearly tenants.*] All claims for compensation made upon the commissioners under the provisions of this Act or any Act incorporated herewith shall, if the person claiming to be entitled to compensation, has no greater interest than as tenant for a year or from year to year in the lands in respect of which the compensation is claimed, be determined in manner provided by the 121st section of "The Lands Clauses Consolidation Act, 1845."

9. *Limit for compulsory purchases.*] The limit for the compulsory purchase of lands under this Act shall be five years.

10. *Power to commissioners to execute works.*] The commissioners may pull down and remove any buildings on the prescribed lands, and may construct thereon such buildings and works, and do all such other things as may in their opinion be necessary or expedient in order to carry into effect the purposes of this Act, or any of them.

11. *As to rights of Metropolitan Board of Works.*] Nothing in this Act shall extend to take away or impair any rights or jurisdiction of the Metropolitan Board of Works in relation to any sewers, drains, or watercourses.

12. *Buildings exempt from* 18 & 19 *Vict. c.* 122.] All buildings erected on the prescribed lands shall be exempt from the operation of the first part of the "The Metropolitan Buildings Act, 1855."

13. *No purchase to be made without the authority of the Treasury.*] No purchase shall be made by the commissioners for the purposes of this Act without the consent in writing of the commissioners of her Majesty's Treasury; but it shall not be necessary for any vendor or for any purchaser from the commissioners to ascertain that such assent has been given, nor shall the commissioners be bound to produce to any such vendor or purchaser any evidence of such assent and any such assent may be given either generally or for any particular purchase or purchases, as to the said commissioners of the Treasury may seem meet.

14. *Authentication of notices.*] Every notice, summons, writ, or other document required to be given, issued, or signed by or behalf of the Commissioners may be given, issued, or signed by the solicitor or secretary for the time being of the Commissioners, and need not be under the common seal of the Commissioners.

15. *Contracts made by first Commissioner of Works to be valid.*] All contracts in writing made by the first Commissioner of her Majesty's works and public buildings in the execution of any of the powers by this Act given to the Commissioners, incorporated as aforesaid, shall be valid, and shall be binding on the Commissioners as if the same had been under their corparate seal.

16. *Monies payable to the Commissioners for sale of materials or otherwise to be paid to her Majesty's paymaster general.*] All monies payable to the Commissioners under the provisions of this Act from the sale of any materials or otherwise shall be paid to her Majesty's paymaster general or the assistant paymaster general for the time being, or

other officer acting for the paymaster general, whose receipt, unstamped, shall be a sufficient discharge for the same to the persons paying the same; and such monies so paid as aforesaid shall from time to time be by such paymaster general paid over and applied as the Commissioners shall by an order direct, and in the meantime shall be applied or invested in the purchase of exchequer bills, if the Commissioners shall so direct.

17. *Orders corncerning money paid into Court may be made at chambers.*] All orders which under this Act the Court of Chancery is empowered to make on motion or petition in relation to any money paid into the Bank of England with the privity of the Accountant-General of the Court of Chancery of this Act, or the securities in or upon which the same may be invested, or the dividends or interest on such money and securities, or the costs of any application, may be made by any judge of the said court, upon application to him while sitting at chambers, upon summons, in like manner as in other cases in which proceedings may be so had; subject nevertheless to any general orders which may hereafter be made concerning the practice, proceedings, or business of the said court or any such applications.

18. *Penalty for obstructing Commissioners to be recovered in a summary manner.*

19. *Deeds made by, to, or with, the Commissioners not liable to stamp duty.*

20. *Deeds to be enrolled in Court of Exchequer.*] Every conveyance, assignment, or other deed or instrument whereby any land by this Act authorised to be purchased is conveyed or assigned to her Majesty, her heirs and successors, for the purposes of this Act, shall be enrolled amongst the records of her Majesty's Court of Exchequer, and entered in the books of the Commissioners; and every such conveyance, assignment, or other deed or instrument when so enrolled shall, without any enrolment or acknowledgment thereof, and without any registry thereof, be good and available in law, any Act of Parliament, law, practice, or usage to the contrary in anywise notwithstanding.

21. *Plan to be deposited in office of works, and open to inspection.*] A copy of the plan of the prescribed lands shall be deposited at the office of the Commissioners, and shall remain at the said office to the end that all persons may at all reasonable times, on payment of a fee of one shilling, have liberty to inspect the same.

22. *Short title.*] This Act may be cited for all purposes as "The National Gallery Enlargement Act, 1867."

CAP. XLII.

An Act to amend the Law relating to the Landlord's Right of Hypothec in Scotland, in so far as respects Land held for Agricultural or Grazing Purposes.
[15th July, 1867.

"Whereas it is expedient to amend the law relating to the landlord's right of Hypothec in Scotland, in so far as respects land held for grazing or agricultural purposes:"
Be it enacted, &c.

1. *This Act shall apply only to Scotland, and may be cited for all purposes by the title of the "Hypothec Amendment (Scotland) Act, 1867."*

2. *Act to apply only to land held for farming purposes; save as respects register of sequestrations.*

3. *Corn, &c., purchased* bonâ fide, *and delivered and removed, to be free from hypothec.*

4. *Hypothec not to be available beyond three months after rent is payable.*

5. *Stock of third party taken on a farm to graze to be liable only to the amount of consideration payable for the grazing.*

6. *When agricultural produce or stock is sequestrated for rent, furniture, implements, imported manure, &c., not to be sequestrated except where brought on the land through a special obligation in the lease.*

7. *Register of sequestrations for rent to be kept at sheriff's or other court, where sequestration may be granted.*

SCHEDULE.—Form of register of sequestrations.

CAP. XLIII.

An Act to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same.
[15th July, 1867.

CAP. XLIV.

An Act to amend the Constitution, Practice, and Procedure of the Court of Chancery in Ireland.
[15th July, 1867.

CAP. XLV.

An Act to extend and amend the Vice-Admiralty Courts Act, 1863. **[15th July, 1867.**

CAP. XLVI.

An Act to amend the Law relating to the Office of County Treasurer in Ireland. **[15th July, 1867.**

CAP. XLVII.

An Act to amend the Companies' Act, 1862, and also the Act passed in the Session held in the Twenty-third and Twenty-fourth Years of the Reign of Her Majesty, intituled An Act to simplify and amend the Practice as to the Entry of Satisfaction on Crown Debts and on Judgments. **[15th July, 1867.**

Be it enacted, &c.

1. *Section* 114 *of* 25 & 26 *Vict. c.* 89, *repealed.*] The 114th section of the Companies' Act, 1862, shall be, and the same from and after the passing of this Act is, hereby repealed.

2. *Court may order the vacation of registration of* lis pendens, *&c.*] "Whereas a registered *lis pendens* cannot be vacated without the consent of the person by whom it was registered, and such consent is sometimes withheld, although the suit or proceeding is at an end, or is not being *bona fide* prosecuted:" for remedy whereof be it enacted, That the Court before whom the property sought to be bound is in litigation may, upon the determination of the *lis pendens*, or during the pendency thereof, where the Court shall be satisfied that the litigation is not prosecuted *bona fide*, make an order, if it shall see fit, for the vacating of the registration without the consent of the *party who registered* it, and may, in the discretion of the Court, direct the party on whose behalf the registration was made to pay all the costs and expenses occasioned by the registration or the vacating thereof. The application to the Court pending the litigation may be in a summary way, by petition or motion in court or by summons at chambers; and if an order shall be made for vacating any such registration, the Senior Master of the Common Pleas at Westminster shall, upon the filing with him of an office copy of such order, enter a discharge of such *lis pendens* on the register, and shall be entitled for every such entry of discharge to the sum of 2s. 6d., and no more, and may issue *certificates of such* entry, and may charge for every such certificate the sum of 1s., which said sums shall be collected by stamps in the manner and according to the provisions of an Act passed in 28 & 29 Vict., intituled, An Act to provide for the Collection by means of Stamps of Fees payable in the Superior Courts of Law at Westminster, and in the Offices belonging thereto, and as if this Act had been included in the first schedule of the said Act.

CAP. XLVIII.

An Act for amending the Law of Auctions of Estates.
[15th July, 1867.

Be it enacted, &c.

1. *Short title.*] This Act may be cited for all purposes as the "Sale of Land by Auction Act, 1867."

2. *Commencement of Act.*] This Act shall commence and take effect on the 1st day of August, 1867.

3. *Interpretation of Terms.*] "Auctioneer" shall mean any person selling by public auction any land, whether in lots or otherwise:

"Land" shall mean any interest in any messuages, lands, tenements, or hereditaments of whatever tenure:

"Agent" shall mean the solicitor, steward, or land agent of the seller:

"Puffer" shall mean a person appointed to bid on the part of the owner.

4. *Where sales are invalid in law to be also invalid.*

equity.] And whereas there is at present a conflict between her Majesty's Courts of Law and Equity in respect of the validity of sales by auction of land where a puffer has bid, although no right of bidding on behalf of the owner was reserved, the courts of law holding that all such sales are absolutely illegal, and the courts of equity under some circumstances giving effect to them, but even in courts of equity the rule is unsettled: And whereas it is expedient that an end should be put to such conflicting and unsettled opinions:" Be it therefore enacted, That from and after the passing of this Act whenever a sale by auction of land would be invalid at law by reason of the employment of a puffer, the same shall be deemed invalid in equity as well as at law.

5. *Rule respecting sale without reserve, &c.*] "And whereas as sales of land by auction are now conducted many of such sales are illegal, and could not be enforced against an unwilling purchaser, and it is expedient for the safety of both seller and purchaser that such sales should be so conducted as to be binding on both parties:" Be it therefore enacted by the authority aforesaid as follows:—That the particulars or conditions of sale by auction of any land shall state whether such land will be sold without reserve, or subject to a reserved price, or whether a right to bid is reserved; if it is stated that such land will be sold without reserve, or to that effect, then it shall not be lawful for the seller to employ any person to bid at such sale, or for the auctioneer to take knowingly any bidding from any such person.

6. *Rule respecting sale subject to right of seller to bid as he may think proper.*] And where any sale by auction of land is declared either in the particulars or conditions of such sale to be subject to a right for the seller to bid, it shall be lawful for the seller or any one person on his behalf to bid at such auction in such manner as he may think proper.

7. *Practice of opening biddings, by order of Chancery, except on ground of fraud, to be discontinued.*] "And whereas it is the long settled practice of courts of equity in sales by auction of land under their authority to open biddings even more than once, and much inconvenience has arisen from such practice, and it is expedient that the courts of equity should no longer have the power to open biddings after sales by auction of land under their authority:" Be it further enacted by the authority aforesaid, That the practice of opening the biddings on any sale by auction of land under or by virtue of any order of the High Court of Chancery shall, from and after the time appointed for the commencement of this Act, be discontinued, and the highest *bona fide* bidder at such sale, provided he shall have bid a sum equal to or higher than the reserved price (if any), shall be declared and allowed the purchaser, unless the Court or judge shall, on the ground of fraud or improper conduct in the management of the sale, upon the application of any person interested in the land (such application to be made to the Court or judge before the chief clerk's certificate of the result of the sale shall have become binding), either open the biddings, holding such bidder bound by his bidding, or discharge him from being the purchaser, and order the land to be resold upon such terms as to costs or otherwise as the Court or judge shall think fit.

8. *Court of Chancery, &c., in other respects excepted from operation of Act.*] Except as aforesaid, nothing in this Act contained shall affect any sale of land made under or by virtue of any order of the High Court of Chancery in England, or of the High Court of Chancery in Ireland, or of the Landed Estates Court there, or of the Court of Chancery in the County Palatine of Lancaster, or of any county or other court having jurisdiction in equity.

9. *Not to extend to Scotland.*] This Act shall not extend to Scotland.

CAP. XLIX.

An Act to confirm a certain Provisional Order under "The Local Government Act, 1858," relating to the District of Halifax; and for other Purposes relative to the said District under that Act. [15th July, 1867.

CAP. L.

An Act to afford further Facilities for the Erection of certain Bridges in Ireland. [15th July, 1867.

CAP. LI.

An Act to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes. [15th July, 1867.

CAP. LII.

An Act to alter and amend the Acts relating to the British White Herring Fishery. [15th July, 1867.

CAP. LIII.

An Act to authorise the Commissioners of Her Majesty's Treasury to compound the public Debt and Interest due by the Limerick Harbour Commissioners, and to make Arrangements for the Payment of the Amount for which such Debt is to be compounded; and for the Transfer of Wellesley Bridge in the City of Limerick to the Commissioners of Public Works; and for other Purposes. [15th July, 1867.

CAP. LIV.

An Act to amend the Law of Charitable Donations and Bequests in Ireland. [15th July, 1867.

CAP. LV.

An Act to enlarge for the present Year the Time within which certain Certificates regarding Lunatics in Scotland may be granted. [15th July, 1865.

CAP. LVI.

An Act to authorise the Commissioners of Her Majesty's Treasury to compound the Public debt and Interest due by the Galway Harbour Commissioners, and to make arrangements for the Payment of the Amounts for which such Debt and another Debt are to be compounded; and for other purposes. [15th July, 1867.

CAP. LVII.

An Act to authorise the Commissioners of Her Majesty's Treasury to compound the Public Debt due by the Commissioners of the Bridge across the River Blackwater near the Town of Youghal in the County of Cork, and for the Transfer of the said Bridge to the Grand Juries of the Counties of Cork and Waterford; and for other Purposes relating thereto. [15th July, 1867.

CAP. LVIII.

An Act to confirm a Provisional Order under the General Police and Improvement (Scotland) Act, 1862, relating to the City of Edinburgh. [15th July, 1867.

CAP. LIX.

An Act for further promoting the Revision of the Statute Law by repealing certain Enactments which have ceased to be in force or have become unnecessary. [15th July, 1867.

CAP. LX.

An Act to amend certain Acts relating to Linen, Hempen, and other Manufactures in Ireland. [15th July, 1867.

CAP. LXI.

An Act for confirming a Provisional Order made by the Board of Trade relating to the Construction of a Pier at Cleethorpes in the County of Lincoln. [15th July, 1867.

CAP. LXII.

An Act to abolish a certain Declaration, commonly called the Declaration against Transubstantiation, the Invocation of the Saints, and the Sacrifice of the Mass, as practiced in the Church of Rome; and to render it unnecessary to take, make, or subscribe the same as a Qualification for the Exercise or Enjoyment of any Civil Office, Franchise, or Right. [25th July, 1867.

"Whereas by various Acts a certain declaration commonly called the declaration against transubstantiation and the invocation of Saints, and the sacrifice of the Mass, as practised in the Church of Rome, and which declaration is more fully

set forth in the shedule to this Act annexed, is required to be taken, made, and subscribed by the subjects of her Majesty for the enjoyment of certain civil offices, franchises, and rights:

And whereas it is expedient to alter the law in that respect, and to abolish the said declaration:"

Be it enacted, &c.

1. *Repeal of all provisions in recited Acts requiring said declaration to be taken as qualification for office.*] From and after the passing of this Act all such parts of the said Acts as require the said declaration to be taken, made, or subscribed by any of her Majesty's subjects as a qualification for the exercise or enjoyment of any civil office, franchise, or right, shall be and the same are hereby repealed, and it shall not be obligatory for any person hereafter to take, make, or subscribe the said declaration as a qualification for the exercise or enjoyment of any civil office, franchise, or right within the realm.

2. *Nothing in this Act to enable Roman Catholics to hold offices other than those they are now entitled to hold.*] Nothing in this Act contained shall be construed to enable any person professing the Roman Catholic religion to exercise or enjoy any civil office, franchise, or right for the exercise or enjoyment of which the taking, making, or subscribing the declaration by this Act abolished is now by law a necessary qualification, or any other civil office, franchise, or right from which he is now by law excluded.

SCHEDULE.

Declaration used in England against transubstantiation, the invocation of Saints, and the sacrifice of the Mass, prescribed by 30 Car. II., Stat. II., c. 1.

Declaration used in Ireland against transubstantiation, the invacation of Saints, and the sacrifice of the Mass, prescribed by 3 W. & M. c. 2. (Eng.)

CAP. LXIII.

An Act for the Appointment of a Stipendiary Magistrate for Chatham and Sheerness in the County of Kent.

[25th July, 1867.

CAP. LXIV.

An Act to make further provision for the Despatch of Business in the Court of Appeal in Chancery.

[25th July, 1867.

Whereas it is expedient to make further provision for the despatch of business in the Court of Appeal in Chancery constituted by the 14 & 15 Vict. c. 83.

Be it enacted, &c.

1. *Jurisdiction, &c., of Court of Appeal may be exercised by one judge, except, &c.*] All the jurisdiction, powers, and authorities of the said Court of Appeal under the said recited Act, or under any other Act, may (except as hereinafter mentioned) be exercised either by both of the judges appointed under the said Act when sitting together, or by either of the said judges when sitting separately, or by the Lord Chancellor when sitting with the said judges or either of them; provided that no decree made on the hearing of a cause or on further consideration, shall be re-heard before the said judges when sitting separately: provided also, that the Lord Chancellor shall and may, while sitting alone, have and exercise the like jurisdiction, powers, and authorities as might have been exercised by the Lord Chancellor if this Act had not been passed.

2. *Lord Chancellor to fix times of sitting.*] The Lord Chancellor shall from time to time fix the times at which the judges of the Court of Appeal appointed under the said Act, or either of them, shall sit with the Lord Chancellor, and at which the said judges shall sit together or separately; and also what appeals, motions, petitions, and other matters shall be heard and determined by the Full Court, and by the said judges sitting together or separately, and by the Lord Chancellor sitting alone or with either of the said judges.

3. *Recited Act and this Act to be as one.*] This Act and the said recited Act shall be read together as one Act.

CAP. LXV.

An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of Sheffield, Derby, Sherborne, Royton, Bedford (Lancashire), Slough, Sandown, Burton-upon-Trent, West Cowes, and Accrington. [25th July, 1867.

CAP. LXVI.

An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts. [25th July, 1867.

CAP. LXVII.

An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of Oswaldtwistle, Devizes, Layton-with-Warbrick (Blackpool), and Harrowgate, and for other Purposes relative to certain Districts under the said Act.

[25th July, 1867.

CAP. LXVIII.

An Act to provide for the better Despatch of Business in the Chambers of the Judges of the Superior Courts of Common Law. [25th July, 1867.

Whereas a great part of the business in the chambers of the judges of the three superior courts of common law at Westminster might with advantage to the public be disposed of by the masters of the said courts:

Be it enacted, &c.

1. *A majority of judges may make rules empowering the masters to transact business at chambers.*] It shall be lawful for a majority of all the judges of the said courts, which majority shall include the two chief justices or one of the chief justices and the chief baron, from time to time to make and publish general rules for the following purposes; that is to say:

(1.) For empowering the masters of the said courts, or some one or more of them, to do any such thing and to transact any such business, and to exercise any such authority and jurisdiction in respect of the same, as by virtue of any statute or custom, or by the rules and practice of the said courts or any of them respectively, are now done, transacted, or exercised by a judge of the said courts sitting at chambers, and as shall be specified in any such rule, except in respect of matters relating to the liberty of the subject:

(2.) For regulating the attendance of the said masters at chambers, the course of practice to be there pursued, and the scale of costs to be there adopted:

(3.) For fixing, with the sanction of the Lords Commissioners of her Majesty's Treasury, the table of fees to be taken in respect of business to be transacted before the said masters at chambers, and for abolishing or altering from time to time (with the like sanction) such table of fees.

2. *Rules to be read in open court. Copy to be sent to Lord Chancellor, and to be published in the* London Gazette.] Every rule to be made under this Act shall be read aloud in open court in each of the said courts ten clear days at least before the day fixed for such rule coming into operation, and within one month after that day a copy of every such rule shall be transmitted by the Lord Chief Justice of England to the Lord High Chancellor, and shall also be published in the *London Gazette*.

3. *Rules to be laid before Parliament.*] Every rule to be made under this Act shall be laid before both Houses of Parliament within one month after the making thereof if Parliament be then sitting, or, if Parliament be not then sitting within one month after the commencement of the next session of Parliament.

4. *Right of appeal from orders of the master.*] Every order or decision made or given under this Act by any master sitting at chambers shall be as valid and binding on all parties concerned as if the same had been made or given before the passing of this Act by a judge sitting at chambers: Provided always, that it shall be lawful for any person affected by any order or decision of the master to appeal with, or within such time as from time to time shall be appointed by any rule or rules to be made under this Act, and subject to such conditions as to costs as may be provided under any such rule or rules, to appeal from such decision to a judge sitting at chambers.

5. *Repeal of part of section* 11 *of* 1 *Vict. c.* 30.] So much of section 11 of 1 Vict. c. 30, as provides that no appointment of any master shall take place by the Lord Chief Justice or Lord Chief Baron until ten days after the certificate in such clause mentioned shall have been laid before both Houses of Parliament, shall be and the same is hereby repealed.

CAP. LXIX.

An Act to explain the Operation of an Act passed in the Seventeenth and Eighteenth Years of her present Majesty, Chapter One hundred and thirteen, intituled An Act to amend the Law relating to the Administration of deceased Persons.

[25th July, 1867.

"Whereas by an Act passed in 17 & 18 Vict. it is enacted, among other things, when any person shall, after the 31st of December, 1854, die seised of or entitled to an estate or interest in any land or other hereditaments which shall at the time of his death be charged with the payment of any sum or sums of money by way of mortgage, and such person shall not, by his will or deed or other document, have signified any contrary or other intention, the heir or devisee to whom such land or hereditaments shall descend or be devised shall not be entitled to have the mortgage debt discharged or satisfied out of the personal estate or any other real estate of such person, but the land or hereditaments so charged shall, as between the different persons claiming through or under the deceased person, be primarily liable to the payment of all mortgage debts with which the same shall be charged, every part thereof, according to its value, bearing a proportionate part of the mortgage debts charged on the whole thereof:

"And whereas doubts may exist upon the construction of the said Act, and it is expedient that such doubts should for the future be removed:"

Be it therefore enacted, &c.

1. *In construing wills, general direction for payment of debts out of personalty not to include mortgage debts, unless such intention expressly implied.*] In the construction of the will of any person who may die after the 31st day of December, 1867, a general direction that the debts or that all the debts of the testator shall be paid out of his personal estate shall not be deemed to be a declaration of an intention contrary to or other than the rule established by the said Act, unless such contrary or other intention shall be further declared by words expressly or by necessary implication referring to all or some of the testator's debts or debt charged by way of mortgage on any part of his real estate.

2. *Interpretation of word "mortgage."*] In the construction of the said Act and of this Act the word "mortgage" shall be deemed to extend to any lien for unpaid purchase money upon any lands or hereditaments purchased by a testator.

8. *Extent of Act.*] This Act shall not extend to Scotland.

CAP. LXX.

An Act to provide for keeping safely the Public Records of Ireland. [12th August, 1867.

CAP. LXXI.

An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for England and Wales.

[12th August, 1867.

CAP. LXXII.

An Act for abolishing the Office of Vice-President of the Board of Trade and substituting a Secretary with a Seat in Parliament. [12th August, 1867.

CAP. LXXIII.

An Act for confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Bray and Irvine.

[12th August, 1867.

CAP. LXXIV.

An Act to extend the "Trades Union Commission Act, 1867." [12th August, 1867.

CAP. LXXV.

An Act to remove certain Religious Disabilities affecting some of Her Majesty's Subjects, and to amend the Law relating to Oaths of Office. [12th August, 1867.

"Whereas certain of her Majesty's subjects are now, on the ground of their religious belief, subject to civil disabilities, and are required to take oaths for the enjoyment of offices and franchises which other subjects of her Majesty are not required to take;

"And whereas it is expedient to remove such disabilities, and to substitute one uniform oath for the several oaths now required to be taken by different classes of her Majesty's subjects as a qualification for the exercise and enjoyment of offices, franchises, and civil rights:"

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *All the Queen's subjects, without reference to their religious belief, shall be eligible to hold the office of Lord Chancellor of Ireland.*] Every subject of her Majesty shall after the passing of this Act be eligible to hold and enjoy the office of Lord Chancellor of Ireland, or Lord Keeper or Lord Commissioner of the Great Seal in Ireland, without reference to his religious belief, on taking and subscribing the oath hereinafter substituted for the oath now required to be taken instead of the oaths of allegiance, abjuration, and supremacy, and also any other oath or declaration of office not involving any religious test which now is or from time to time may be required to be taken by the holder of the said office.

2. *When not held by a member of the Established Church, rights of presentation to benefices belonging to such office to be exercised by appointee of the Crown, or in default by Archbishop of Armagh.*

3. *When the chancellorship shall be held by a person not a member of the Established Church, the jurisdiction of nominating delegates to hear appeals from ecclesiastical courts and* ex officio *trusteeships of church-endowment, &c., societies shall be exercised by such other of the judges as the Crown shall appoint, &c.*

4. *Every judicial or corporate officer may attend his place of worship in his robes or insigna.*

5. *The oath herein named shall be substituted in all cases for the oaths now required to be taken by officeholders and others in lieu of the oaths of allegiance, supremacy, and abjuration.*] In all cases in which any oath has been substituted for the oaths of allegiance, supremacy, and abjuration is now required to be taken, or taken and subscribed, as a qualification for the exercise or enjoyment of any office, franchise, or civil right, the following oath shall be taken, or taken and subscribed, as the case may be, in lieu and instead of such substituted oath:—

"I A. B. do swear, That I will be faithful and bear true allegiance to her Majesty Queen Victoria; and I do faithfully promise to maintain and support the succession to the Crown, as the same stands limited and settled by virtue of the Act passed in the reign of King William the Third, intituled 'An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject,' and of the subsequent Acts of Union with Scotland and Ireland. So help me God."

6. *The name of the sovereign for the time being shall be used in the oath.*

7. *Provision in favour of Quakers', &c., solemn affirmation*

8. *Short Title.*] This Act may be cited for all purposes as "The Office and Oath Act, 1867."

CAP. LXXVI.

An Act to repeal certain Ordinances made for the Cathedral or House of Christ Church in Oxford by the Commissioners appointed under the Oxford University Act, 1854, and to substitute a new Ordinance in lieu thereof. [12th August, 1867.

CAP. LXXVII.

An Act to validate certain Proceedings of the Grand Jury of the County of Wexford. [12th August, 1867.

CAP. LXXVIII.

An Act to amend The Tyne Pilotage Order Confirmation Act, 1865. [12th August, 1867.

CAP. LXXIX.

An Act to confirm certain Provisional Orders under "The General Police and Improvement (Scotland) Act, 1862," relating to the Burgh of Dundee. [12th August, 1867.

CAP. LXXX.

An Act to define the Duties of the Assessor of Railways in Scotland in making up the Valuation Roll of Railways, and to amend in certain respects the Valuation of Lands (Scotland) Acts. [12th August, 1867.

CAP. LXXXI.

An Act to simplify the Forms of Prorogation during the Recess of Parliament. [12th August, 1867.

CAP. LXXXII.

An Act to alter certain Duties, and to amend the Laws relating to the Customs. [12th August, 1867.

CAP. LXXXIII.

An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of Ramsgate, Tunbridge Wells, Bognor, Newport, Chesterfield, Malvern, Great Harwood, and Harrow; and for other Purposes relating to certain Districts under that Act. [12th August, 1867.

CAP. LXXXIV.

An Act to consolidate and amend the Laws relating to Vaccination. [12th August, 1867.

CAP. LXXXV.

An Act to include the whole of the Burgh of Galashiels within the County, Sheriffdom, and Commissariat of Selkirk. [12th August, 1867.

CAP. LXXXVI.

An Act to alter certain Duties of Customs in the Isle of Man. [12th August, 1867.

CAP. LXXXVII.

An Act to facilitate the Transaction of Business in the Chambers of the Judges of the High Court of Chancery, and in the Offices of the Registrars and Accountant-General of the said Court, and in Lunacy. [12th August, 1867.

"Whereas an Act was passed in the session of Parliament held in the 3 & 4 Vict. c. 94, intituled an Act for facilitating the administration of justice in the Court of Chancery:

"And whereas a second Act was passed in the session of Parliament held in the 15 & 16 Vict. c. 80, intituled an Act to abolish the office of master in ordinary of the High Court of Chancery, and to make provision for the more speedy and efficient despatch of business in the said Court:

"And whereas a third Act was passed in the session of Parliament held in the 18 & 19 Vict. c. 134, intituled an Act to make further provision for the more speedy and efficient despatch of business in the High Court of Chancery, and to vest in the Lord Chancellor the ground and buildings of the said Court, situate in Southampton-buildings, Chancery-lane, with powers of leasing and sale thereof:

"And whereas a fourth Act was passed in the session of Parliament held in the 23 & 24 Vict. c. 149, intituled an Act to make better provision for the relief of prisoners in contempt of the High Court of Chancery, and Pauper Defendants, and for the more efficient Despatch of Business in the said Court:

"And whereas a fifth Act was passed in the session of Parliament held in the 27 & 28 Vict. c. 15, intituled an Act for making better and further Provision for the more efficient Despatch of Business in the High Court of Chancery:

"And whereas the number of chief clerks and junior clerks now authorised to be appointed to be attached to the courts of the Master of the Rolls and the Vice-Chancellors respectively has been found insufficient for the due despatch of the business transacted by the said judges when sitting at chambers, and the services of assistant clerks are required:

"And whereas by an order of the Court of Chancery, dated 26th January, 1865, made under the first-recited Act, it was ordered that there should be a temporary junior clerk in the chambers of the Vice-Chancellor Sir John Stuart during such time as the Lord Chancellor should think fit, and by an order of the Court dated the 7th November, 1866, made under the same Act, the yearly salary of £250 was ordered to be paid to William Arthur Marshall as such temporary junior clerk:

"And whereas by another order of the Court, dated the 3rd November, 1866, made under the provisions of the first-recited Act, Mr. Henry Francis Church was appointed temporary chief clerk in the chambers of the Vice-Chancellor Sir John Stuart until a permanent chief clerk should be appointed by authority of Parliament, and Mr. William Wright and Mr. Jonathan Pinnington were respectively appointed junior clerks in the same chambers for the period aforesaid:

"And whereas by another order of the Court, dated the 27th November, 1866, made under the same Act, it was ordered that there should be paid to the said Mr. Henry Francis Church, as such temporary chief clerk, and to his successors the yearly salary of £1,200, and to the said Mr. William Wright and Mr. Jonathan Pinnington, as junior clerks to such chief clerk, the yearly salary of £[illegible] each:

"And whereas by another order of the Court, dated the 16th January, 1867, Mr. Samuel John Bakewell was appointed additional junior clerk in the chambers of the Master of the Rolls, and by another order of the Court, dated the 31st day of the same month, the yearly salary of £400 was ordered to be paid to him as such additional junior clerk:

"And whereas by divers orders of the Court, made under the first-recited Act, assistant clerks at salaries not exceeding £150 each, have been from time to time appointed in the chambers of the Master of the Rolls and each of the Vice-Chancellors:

"And whereas doubts may be entertained whether the recited orders, or some of them, were authorised by the first-recited Act, and whether the junior clerks appointed by or pursuant to the power contained in the *fifthly-recited Act*, can hold office longer than during the continuance in office of the chief clerk appointed by the same Act, and in consequence of the increase of administrative business of the Court of Chancery it is expedient that powers should be given for enabling the appointment of additional chief clerks, junior clerks, and assistant clerks, to be attached to the courts of the Master of the Rolls and Vice-Chancellors respectively, as the state of the business in such courts respectively may from time to time require, and that certain appointments already made should be confirmed or made permanent; and it is also expedient that power should be given for enabling the appointment of additional registrars of the court, and that power should be given to alter the salaries of officers of the court:

"And whereas it is also expedient that the jurisdiction in lunacy of the Lords Justices of the Court of Appeal in Chancery should be vested in them not only when sitting together, but also when sitting separately:

Be it therefore enacted, &c.

1. *Power to appoint additional chief clerks and junior clerks.*] It shall be lawful for the Lord Chancellor, with the advice and consent of the Master of the Rolls and Vice-Chancellors, or any three of them, from time to time to order such additional chief clerks and junior clerks as he shall think fit to be attached to the courts of the Master of the Rolls and Vice-Chancellors respectively, and thereupon the Master of the Rolls or the Vice-Chancellor, as the case may be, in whose court any additional chief clerk or junior clerk shall be ordered to be attached, shall appoint a fit person to be such chief clerk or junior clerk, as the case may be; provided that every appointment of a chief clerk shall be made with the approbation of the Lord-Chancellor as required by the secondly-recited Act, and that no person shall be appointed a chief clerk unless he shall be duly qualified in manner provided by the same Act: provided also, that upon the occurrence of any vacancy [illegible] of chief clerk or junior clerk attached to the court of the Master of the Rolls or of any Vice-Chancellor, [illegible] by such vacancy the number of chief clerks attached to [illegible]

court shall be reduced below two, or the number of junior clerks attached to such court shall be reduced below four, no appointment shall be made to supply the vacancy unless the Lord Chancellor, with the advice and consent of the Master of the Rolls and Vice-Chancellors, or any three of them, shall by order declare that it is necessary to supply the vacancy: provided also, that the total number of chief clerks shall not at any one time exceed twelve.

2. *The secondly, thirdly, and fourthly recited Acts to apply to chief clerks and junior clerks so appointed.*] All the provisions of the secondly, thirdly, and fourthly recited Acts which relate to chief clerks and junior clerks appointed under the same Acts or any of them, and to the salaries to be paid to such chief clerks and junior clerks, and to the funds out of which such salaries are to be paid, shall extend and be applicable and are by this Act made applicable to the chief clerks and junior clerks appointed under this Act, in the same manner in all respects as if such last-mentioned chief clerks and junior clerks had been authorised to be appointed and had been appointed under the secondly-recited Act.

3. *The first-recited Act extended to authorise the appointment and salaries of assistant clerks.*] The provisions of the first-recited Act with respect to the appointment and also with respect to the payment of the salaries of additional officers, clerks, and messengers in any of the offices of the Court of Chancery, shall extend to and shall authorise the appointment and the payment of salaries of assistant clerks to be attached to the courts of the Master of the Rolls and Vice-Chancellors respectively.

4. *Certain appointments of chief clerks and junior clerks confirmed and made permanent.*] The appointment made pursuant to the recited order of the 26th January, 1865, and the appointments made by the recited orders of the 3rd November, 1866, and the 16th January, 1867, and the salaries ordered to be paid by the recited orders of the 7th November, 1866, and the 27th of the same month, and the 31st January, 1867, shall be and the same are respectively hereby confirmed, and shall respectively be considered as permanent appointments duly made, and as salaries duly ordered to be paid, under the provisions of this Act; and the appointments made of junior clerks by or pursuant to the power contained in the fifthly-recited Act shall be and the same appointments are hereby declared to be permanent and not determinable with the continuance in office of the chief clerk appointed by the same Act.

5. *Appointment and salaries of assistant clerks already made confirmed.*] All orders of the Court of Chancery made previously to the passing of this Act, appointing or ordering the payment of the salaries of assistant clerks in the chambers of the Master of the Rolls or any of the Vice-Chancellors, shall be and the same several orders are hereby confirmed, and shall respectively be considered as orders duly made under the provisions of the first-recited Act as extended by this Act.

6. *Assistant clerks to hold office during pleasure, and obey directions of judge.*] Every assistant clerk whose appointment is confirmed by or shall be made under this Act shall hold his office at the pleasure of the judge to whose court he is attached, and shall be under the control of such judge, and shall attend at such places, during such times, and for such hours in each day, and perform such duties as such judge shall from time to time direct.

7. *Power to the Lord Chancellor to transfer any clerk from one judge to another.*] The Lord Chancellor may from time to time transfer any clerk from any one judge to any other judge of the court; provided that every such transfer be made with the advice and consent both of the judge from whom and the judge to whom such transfer shall be made.

8. *Power to the Lord Chancellor to appoint additional registrars.*] It shall be lawful for the Lord Chancellor, by writing under his hand, forthwith to appoint an additional or twelfth registrar of the Court of Chancery, and also, when it shall appear necessary, and shall be so declared by an order of the Lord Chancellor, to appoint another additional or thirteenth registrar of the court, and from time to time, provided it shall appear necessary, and shall be so declared by an order of the Lord Chancellor, to fill up any vacancy in either or both of such offices; and the person to be appointed to either of such offices of additional registrar shall be the senior of the clerks to the registrars of the court for the time being, to whom no sufficient objection to the satisfaction of the Lord Chancellor shall be made; and each such additional registrar in order of his appointment shall rank next after the junior of the registrars for the time being appointed under 5 Vict. c. 5, and 14 & 15 Vict. c. 83, or this Act, as the case may be, and shall personally do and perform all the duties and have and enjoy all the rights and privileges belonging to the office of registrar, and shall be subject to the several provisions and penalties contained in 5 Vict. c. 5, relating to the registrars of the court, and be entitled to the like superannuation allowance upon the like conditions as if he had been appointed registrar by virtue of the same Act: Provided always, that the acceptance of the office of additional registrar by the senior clerk for the time being shall be without prejudice to all his rights of succession to the office of registrar under the two Acts last mentioned.

9. *As to the payment of the salary of such additional registrar.*] Out of the fund standing in the name of the Accountant-General of the Court of Chancery to the account entitled "The Suitors' Fee Fund Account," or the other funds charged with and made liable for the payment of the salaries of the present registrars, there shall be paid to each additional registrar appointed under the last preceding section, from the date of his appointment, the salary or net yearly sum of £1,250, and also, so long as he shall be liable for the expenses of writing and copying the decrees and orders and the minutes of the decrees and orders of the court, the yearly sum of £100, on the days and in the manner provided by 5 Vict. c. 5, as varied by 15 & 16 Vict. c. 87, with respect to the payment of the salaries of the present registrars.

10. *Power to the Lord Chancellor to alter salaries and style of officers.*] It shall be lawful for the Lord Chancellor, with the consent of the Commissioners of her Majesty's Treasury, as to all the officers of the Court of Chancery or of any judge thereof, save as next herein after mentioned, and for the Master of the Rolls, with the like consent, as to all the officers of the court whose salaries are or may be fixed by him under any Act of Parliament, from time to time to increase or diminish the amount, or vary the mode or terms of increase, or manner of payment, of the salary (whether fixed or made payable by Act of Parliament or not) of any officer of the Court of Chancery, or of any officer of any of the judges of the said court, and also, with the consent of the judges of the said court, to vary the style and designation of the officers of the said judges now termed "ushers:" Provided, nevertheless, that the salary, whether immediate or in prospect, to which any officer may at the time of the passing of this Act or at any time afterwards be or become entitled in right of his office, shall not, after his appointment to fill such office, be diminished without his consent in writing, nor, if the office be one the appointment to which is vested in any judge of the said court other than the Lord Chancellor, without the consent of such judge: Provided also, that the salary of any person who may be hereafter appointed Accountant-General of the said court shall not exceed £2,000 per annum.

11. *Cheques drawn by the Attorney-General to be countersigned by one of his clerks instead of by the registrars.*] "And whereas all notes or cheques for payment of money drawn by the Accountant-General of the Court of Chancery upon the Bank of England have been heretofore countersigned by the registrars of the court or by the master of reports and entries, pursuant to the Act passed in the session of Parliament held in the 12 Geo. 1, c. 32, and the Act passed in the session held in the 15 & 16 Vict. c. 87: And whereas it is considered that such countersigning may with safety be discontinued, and provision in lieu thereof made as hereinafter mentioned:" Be it therefore enacted as follows: From and after the 1st day of October, 1867, the countersignature by the registrar of the Court of Chancery and by the master of reports and entries of notes or cheques for payment of money drawn by the Accountant-General of the court on the Bank of England shall be discontinued; and from and after the same date every note or cheque for the payment of money which shall be signed by the Accountant-General of the court, and countersigned by any one of the clerks of the Accountant-General who shall from time to time be intrusted by him with the duty of delivering notes or cheques to the parties entitled thereto (the names and signatures of the clerks so intrusted to be from time to time made known to the Bank of England by the

Accountant-General), shall be sufficient authority to the Bank of England to pay the money mentioned in any such note or cheque to the person or persons named therein, or to such person as he, she, or they by endorsement shall order to receive the same: Provided always, that a countersignature shall not be necessary to any note or cheque for payment of money to the chancery broker as the consideration for the purchase of any stocks or securities, but the signature thereto of the Accountant-General alone shall be sufficient authority to the Bank of England to pay the money mentioned therein.

12. 24 & 25 *Vict. c.* 98, *as to forgery of Accountant-General's cheque to apply to this Act.*] The provisions contained in the Act passed in the session held in the 24 & 25 Vict. c. 98, for the consolidation of the law as to forgery, which have reference to the forging or altering of any instrument made or purporting to be made by the Accountant-General of the Court of Chancery, shall apply to all notes or cheques countersigned or purporting to be countersigned as provided by the last preceding section, and to the forgery or alteration of any countersignature thereto.

13. *Jurisdiction in lunacy to be exercised by Lord Justices sitting separately.*] All the jurisdiction, powers, authorities, and duties of the Lord Justices of the Court of Appeal in Chancery under the Lunacy Regulation Act, 1853, or under any other Act, as being intrusted by virtue of the Queen's sign manual with the care and commitment of the custody of the persons and estates of persons found idiot, lunatic, or of unsound mind, may be exercised and performed not only by both of the Lords Justices jointly acting or sitting together, but also by either of them alone acting or sitting separately.

14. *Meaning of expression "Lord Chancellor."*] In the construction of this Act the expression "Lord Chancellor" shall mean and include the Lord High Chancellor of Great Britain and the Lord Keeper or Lords Commissioners of the Great Seal of the United Kingdom for the time being.

15. *Short title.*] This Act may be cited as "The Court of Chancery (Officers) Act, 1867."

CAP. LXXXVIII.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively. [12th August, 1867.

CAP. LXXXIX.

An Act to render perpetual an Act passed in the Session holden in the Twenty-seventh and Twenty-eighth Years of Her present Majesty, intituled An Act to permit for a limited Period Compositions for Stamp Duty on Bank Post Bills of Five Pounds and upwards in Ireland. [12th August, 1867.

CAP. XC.

An Act to alter certain Duties and to amend the Laws relating to the Inland Revenue. [12th August, 1867.

CAP. XCI.

An Act to authorise an alteration in the mode of re-payment of a Loan made by the West India Relief Commissioners to the Island of Dominica. [12th August, 1867.

CAP. XCII.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorise the Employment of the Non-commissioned Officers. [12th August, 1867.

CAP. XCIII.

An Act to legalise certain Marriages solemnised at Morro Velho in Brazil. [12th August, 1867.

CAP. XCIV.

An Act to provide for the Inspection of Weights and Measures, and to regulate the Law relating thereto in certain Parts of the Police District of Dublin Metropolis. [12th August, 1867.

CAP. XCV.

An Act to amend the Laws regulating the Superannuation Allowances of the Dublin Metropolitan Police. [12th August, 1867.

CAP. XCVI.

An Act to facilitate the Recovery of certain Debts in the Sheriff Court in Scotland. [12th August, 1867.

CAP. XCVII.

An Act to facilitate the Administration of Trusts in Scotland. [12th August, 1867.

CAP. XCVIII.

An Act to make better Provision for the Administration of the Patriotic Fund. [12th August, 1867.

CAP. XCIX.

An Act for confirming an amended Scheme of the Charity Commissioners for the Charity called Sir John Port's Hospital in Etwall and School in Repton in the County of Derby. [12th August, 1867.

CAP. C.

An Act to make further Provision respecting the Naval Knights of Windsor. [15th August, 1867.

CAP. CI.

An Act to consolidate and amend the Law relating to the Public Health in Scotland. [15th August, 1867.

CAP. CII.

An Act further to amend the Laws relating to the Representation of the People in England and Wales. [15th August, 1867.

"Whereas it is expedient to amend the laws relating to the Representation of the People in England and Wales:" Be it enacted, &c.

1. *Short title.*] The Representation of the People Act, 1867.

2. *Application of Act.*

PART I.

FRANCHISES.

3. *Occupation franchise for voters in boroughs. Full age and legal capacity. Twelve months' occupation of any dwelling-house. Rating to the poor and* bonâ fide *payment—not joint-occupants excluded.*

4. *Lodger franchise for voters in boroughs. Full age and legal capacity. Twelve months' sole tenancy of lodgings worth £10 a year as unfurnished. Claim made at next registration.*

5. *Property franchise for voters in counties. Full age and legal capacity. Seised at law or in equity for any life or lives, of land, to £5 a year, clear value, or as lessee for sixty years or over to same value.*

6. *Occupation franchise for voters in counties. Full age and legal capacity. Twelve months' occupation of land worth £12 rateable. Twelve months' rating, and payment of rates.*

7. *Occupiers in boroughs to be rated, and not owners. Provisoes as to compositions, &c.*

8. *First registration of occupiers of dwelling houses, &c.*

9. *Restriction as to number of votes in certain counties and boroughs;*

10. *And in the city of London.*

11. *No elector who has been employed for reward within six months of an election to be entitled to vote.*

12. *Boroughs of Totnes, Reigate, Great Yarmouth, and Lancaster to cease to return members after end of present Parliament.*

13. *Persons reported guilty of bribery at Totnes [illegible] as voters for southern division of Devon in respect of qualification arising in said borough.*

14. *Persons reported guilty of bribery in Great Yarmouth disqualified as voters for north-eastern division of Norfolk or eastern division of Suffolk in respect of qualification arising in said borough.*

15. *Persons reported guilty of bribery in Lancaster disqualified as voters for Northern Division of Lancaster in respect of qualification arising in said borough.*

16. *Persons reported guilty of bribery in Reigate disqualified as voters for Division of Mid-Surrey in respect of qualification arising in said borough.*

PART II.

DISTRIBUTION OF SEATS.

17. *Boroughs, as in schedule (A.), to return one member each.*

18. *Manchester, Liverpool, Birmingham, and Leeds, to return three members each.*

19. *New boroughs, as in schedule (B.), to return one member each, except Chelsea, which shall return two.*

20. *Registers of voters to be formed for new boroughs.*

21. *Merthyr Tydfil and Salford to return two members each. Tower Hamlets to be divided into two divisions, each division to return two members.*

22. *Registers of voters to be formed for the boroughs of Hackney and the Tower Hamlets.*

23. *Division of certain counties, as in schedule (D.).*

24. *University of London to return one member.*

25. *Electors for members of the University of London.*

PART III.

SUPPLEMENTAL PROVISIONS.

Incidents of Franchise.

26. *As to successive occupations.*

27. *As to joint-occupation in counties.*

28. *Notice of rate in arrear to be given by overseers to voters, in form as in schedule (E.). Penalty for wilfully withholding notice.*

29. *Overseers to make out a list of persons in arrear of rates, which shall be open to perusal without fee. Penalty on overseer for neglect.*

Registration of Voters.

30. *Regulation to be observed as to registration of voters.*

31. *Definition of "expenses of registration."*

32. *Provision as to duties of clerks of peace in parts of Lincolnshire.*

Places for Election, and Polling Places.

33. *Courts for the election of members for counties as in schedule (D.).*

34. *Provisions for increased polling-places in counties, &c. Proviso as to Isle of Ely.*

35. *When polling-places altered, &c., publication in* London Gazette *not required, but justices to advertise as they think fit.*

36. *Payment of expenses of conveying voters in boroughs to the poll illegal, except herein named* (East Retford, Shoreham, Cricklade, Much-Wenlock, and Aylesbury).

37. *Rooms to be hired for taking polls wherever they can be obtained.*

38. *Alteration as to time of delivery of lists and commencement of register of voters.*

39. *Oath or affirmation, &c., to be taken by poll clerks.*

40. *Receipt of parochial relief to apply to counties as well as boroughs.*

Election in University of London.

41. *Vice-Chancellor of University to be returning officer.*

42. *Election for University of London to be within six days after receipt of writ, three clear days' notice being given.*

43. *Polling at University of London may continue five days.*

44. *Power to Vice-Chancellor to appoint polling-place, pro-vice-chancellors, and poll clerks to conduct the poll in the University of London.*

45. *Provisions of 24 & 25 Vict. c. 53, as to voting-papers to apply to University of London.*

46. *Residence of electors for the City of London extended to twenty-five miles.*

Miscellaneous.

47. *As to returning officers in new boroughs.*

48. *Appointment of boundary commissioners, who may appoint assistant commissioners, to examine boundaries of boroughs constituted by this Act, and all other boroughs and divisions of counties as constituted by this Act, and report if enlargement necessary.*

49. *Corrupt payment of rates to be punishable as bribery.*

50. *Returning officer, &c., acting as agent guilty of misdemeanour.*

51. *Not necessary to dissolve Parliament on any future demise of the Crown.*

52. *Members holding offices of profit from the Crown, as in schedule (H.), not required to vacate their seats on acceptance of another office.*

53. *Copy of reports of commissioners as to boroughs herein named, and printed by the Queen's printer, to be evidence.*

54. *Provision in case of separate registers.*

55. *Temporary provisions consequent on formation of new boroughs.*

56. *General saving.*

57. *As to issue of writs to County Palatine of Lancaster.*

58. *Writs, &c., to be made conformable to this Act.*

59. *This Act, as far as consistent, to be construed with enactments now in force.*

60. *In event of dissolution of Parliament before January* 1, 1869, *elections to take place as heretofore, except as to boroughs disfranchised.*

61. *Interpretation of terms:—"Month," "member," "election," "county," "borough," "dwelling-house," "the Registration Acts."*

CAP. CIII.

An Act for the extension of the Factory Acts.

[12th August, 1867.

CAP. CIV.

An Act to amend and extend as to Railways in Ireland the Provisions of an Act of the Seventh and Eighth Years of Victoria, intituled "An Act to attach certain Conditions to the Construction of future Railways authorised or to be authorised by any Act of the present or succeeding Sessions of Parliament; and for other Purposes in relation to Railways.

[15th August, 1867.

CAP. CV.

An Act to establish Equitable Councils of Conciliation to adjust Differences between Masters and Workmen.

[15th August, 1867.

Whereas an Act was passed in the 5th Geo. 4, intituled "An Act to consolidate and amend the Laws relative to Arbitration of Disputes between Masters and Workmen; and another Act was passed in 1 Vict. c. 67; and another Act was passed in 8 & 9 Vict. c. 77; and another Act was passed in 8 & 9 Vict. c. 128, and the three last-mentioned Acts were passed to amend the said first-recited Act:

And whereas, in order the better to facilitate the settlement of disputes between masters and workmen, it is expedient, without repealing the said several Acts, that masters and workmen should be enabled, when licensed by her Majesty, to form equitable councils of conciliation or arbitration, and that the powers in the said Acts contained for enforcing awards made under or by virtue of the provisions thereof should be extended to the enforcing of awards to be made by and under the authority of such equitable councils of conciliation:

Be it therefore enacted, &c.

1. *Power to her Majesty or Secretary of State to license councils of conciliation.*] If any number of masters and workmen, in any particular trade or trades, occupation, or employment, being inhabitant householders or part occupiers of any house, warehouse, counting house, or other pro-

perty within any city, borough, town, stewartry, riding, division, barony, liberty, or other place, and who, being a master in such trade, shall have resided and carried on the same within any such place for six calendar months previous to the signing of such petition, and being a workman shall have resided for a like period within any such place, and shall have worked at his trade or calling for seven years previous to the signing of such petition, shall at a meeting specially convened for that purpose agree to form a council of conciliation and arbitration, and shall jointly petition her Majesty to grant them a licence to form such council, to hold, have, and exercise all the powers granted to arbitrators and referees under the before-recited Acts, and in such petition for the same shall set forth the number of the council, and also the names, occupation, and residence of the petitioners, and the manner in which the expenses of the said council and of the registry hereinafter directed are to be provided for, it shall then be lawful for her Majesty, or her Majesty's Principal Secretary of State for the Home Department, to grant such licence, provided notice of such petition has been published one month before the application for such licence in the *London Gazette*, and in one or more of the local newspapers of the place whence such petition emanates: Provided always, that it shall be lawful for any masters and workmen in any particular trade or trades, occupation, or employment as aforesaid, within the limits of the application of the Metropolitan Local Management Act, or within any two or more boroughs or districts of the Metropolis, to associate themselves for the purposes of this Act, and with such licence as aforesaid to form councils as aforesaid, as if they resided within any one borough or district.

2. *Councils to consist of not less than two nor more than ten masters and workmen and a chairman.*] The said council shall consist of not less than two masters and two workmen, nor more than ten masters and ten workmen, and a chairman; the number to constitute the said council to be inserted in the licence; but no member of the council to adjudicate in which he or any relation of his is plaintiff or defendant.

3. *Petitioners for council to elect first council.*] For the purposes of this Act the persons whose names, occupations, and abodes are attached to the petition praying for a license shall and they are hereby authorised to proceed to the appointment of a council of conciliation and arbitration from among themselves within thirty days after such grant of licence; and the said council shall remain in office until the appointment of a new council in its stead.

4. *Powers, &c., of councils.*] The council shall have power to appoint their own chairman, clerk, or such other officer or officers as they may deem requisite, and shall have power to hear and determine all questions of dispute and difference between masters and workmen, as set forth in the before-recited Act of 5 Geo. 4, c. 96, which may be submitted to them by both parties, and shall have, hold, and exercise all the powers and authority granted to arbitrators and referees by and under the various enactments and provisions of the Acts before recited; and any award the said equitable councils of conciliation and arbitration may make in any case of dispute or difference submitted to them under the before-recited Act or Acts, or under this Act, shall be final and conclusive between the parties to such arbitration, without being subject to review or challenge by any Court or authority whatsoever; and the said council are hereby further authorised to adjudicate upon and determine any other case of dispute or difference submitted to them by the mutual consent of master and workman or masters and workmen, and the same proceedings of distress, sale, and imprisonment as are provided by the said recited Acts or any of them shall be had towards enforcing every such award (by application to any justice of the peace of the county, stewartry, riding, division, barony, city, town, burgh, or place within which the parties shall reside) as are by the said recited Acts or any of them prescribed for enforcing awards made under or by virtue of the provisions of them or any of them, and any award in writing under the hand of the chairman of the council shall be deemed sufficient evidence of the validity of such award to authorise such proceedings of distress, sale, and imprisonment; but nothing in this Act contained shall authorise the said council to establish a rate of wages or price of labour or workmanship at which the workman shall in future be paid.

5. *Quorum to form council. Committee of conciliation to be appointed by council.*] A quorum of not less than three (one being a master and another a workman, and the third the chairman) may constitute a council for the hearing and adjudication of cases of dispute, and may accordingly make their award; but a committee of council, to be denominated the committee of conciliation, shall be appointed by the council, consisting of one master and one workman, who shall sit at such times as shall be appointed, and be renewed from time to time as occasion shall require; and all cases or questions of dispute which shall be submitted to the council by both parties shall in the first instance be referred to the said committee of conciliation, who shall endeavour to reconcile the parties in difference; when such reconciliation shall not be effected, the matter in dispute shall be remitted to the council, to be disposed of as a contested matter in the regular course.

6. *Chairman to preside at meetings of council, and to have casting vote.*] The chairman of the council, who shall be some person unconnected with trade, shall preside at their meetings, and shall be appointed at their first meeting after obtaining such licence as aforesaid. When the votes of the council shall be equal, the chairman for the time being is to have the casting vote.

7. *No Counsel, &c. to attend hearings without consent.*] No council, solicitors, or attorneys to be allowed to attend at any hearing before the council or the committee of conciliation unless consented to by both parties.

8. *Council to be elected for one year. Case of vacancy, &c.*] On the first Monday in November in the year next after the first appointment of the council, and on the first Monday in November in each succeeding year, a council and chairman shall be appointed, who shall remain in office until the appointment of a new council; and in cases of vacancies arising betwixt the fixed days of election in each year, caused by the death or removal of any member of the council or of the Chairman, an election shall take place within fourteen days, and another member be elected to fill up the said vacancy from the class to which he may belong, or a chairman be appointed, as the case may be, and the member or chairman so elected shall serve the remainder of the year.

9. *Householders and part occupiers may demand to be registered and have a vote for the council and may be elected thereto.*] For the purposes of this Act, each person being twenty-one years of age, belonging to the trade having a licence for a council, and being an inhabitant householder or part occupier of any house, warehouse, counting-house, or other property, who, being a master in such trade, has resided and carried on the same within the limits of any city, borough, town, stewartry, riding, division, barony, liberty, or other place, wherever an equitable council of conciliation and arbitration is formed, for the space of six calendar months previous to the ninth day of November in one year, and being a workman has resided for a like period within the same limits, and has worked at his trade or calling seven years previous to the ninth day of November in one year, shall be entitled to be registered as a voter for the election of the council, and shall be qualified to be elected a member of such council; but the masters shall appoint their own portion of the council and the workmen elect their portion of the council.

10. *Register of voters to be kept.*] The clerk of each division of the council shall keep a register of every person claiming to have his name inscribed on the register as a voter for the council, whether master or workman (but distinct from each other), the said register to contain the name, occupation, and abode of each person engaged in the particular trade or occupation as set forth in the licence granting the formation of the council; and the said clerk shall, upon payment of a registration fee being made to him, register the same immediately, or be liable to be fined for neglect, the said fine to be applied to the funds of the said council, and the council is hereby empowered to fix and determine the amount of such fee and fine respectively: Provided that in case it shall appear to the council that any person ought not to be so registered, the council shall strike the name of such person off such register.

11. *Meetings of masters and workmen to elect councils.*] The clerk of the council shall, for the purposes of this Act, be the returning officer; he shall convene meetings of masters

and meetings of workmen, by advertisments, fourteen clear days previous to the first day of November; and each class shall at such meetings proceed to nominate and elect members to the council for the year next ensuing; the votes to be taken by show of hands or division of numbers, and in such place as the council may authorize and the clerk shall declare to the said meeting the names of the candidates who are elected, and the same shall be final and conclusive, unless a poll is demanded at the time the declaration is made; but either party may demand a poll of those only whose names are registered in the books of the council.

12. *In case a poll is demanded, council to appoint time and place.*] A poll being demanded by six registered voters, the council shall appoint time and place for that purpose, where each voter shall be entitled to record his vote.

13. *Election to be declared within seven days of nomination.*] The clerk shall within seven days after the day of nomination, in case of a poll being demanded, declare the number of votes given to each candidate, and those having received the largest number of votes shall be declared duly elected.

14. *Appointment of clerk.*] The council shall also appoint a clerk, who shall continue in office until a new appointment shall be made in his stead, and who shall keep a record of all their proceedings, and do and perform such other duties as this act may authorize or the said council may require.

15. *Place of meeting.*] The council may hold their sittings in any public room used for conducting public business, with the permission of the authority having the power to grant such permission.

16. *To make list of fees, bye-laws, &c.*] Every council elected under this Act shall from time to time make out a list of fees which shall be charged for any proceeding and other expenses under this Act, and shall appoint such officers as may be necessary, and make such bye-law, rules, and regulations for their guidance, and for the taking and scrutiny of the votes given for the election of members of the council, and also for the despatch of business, as they may deem necessary; such bye-laws, rules, regulations, and fees not to be legal and binding in law unless and until they shall be sanctioned by the secretary of state for the home department.

17. *4 Geo. 4. c. 96., &c., to remain in full force.*] The Acts before recited shall remain in full force and effect as though this Act had not been passed: This Act shall not be construed to extend to domestic servants or servants in husbandry.

18. *Citation of Act.*] In citing this Act for any purpose whatever it shall be sufficient to use the expression "The Councils of Conciliation Act, 1867."

19. *Commencement of Act.*] This Act shall commence on 2nd day of July, 1867.

SCHEDULE OF FORMS.

CAP. CVI.

An Act to make the Poor Law Board permanent, and to provide sundry Amendments in the Laws for the Relief of the Poor. [20th August, 1867.

CAP. CVII.

An Act to uncollegiate the Parish of Canongate within the Parliamentary Burgh of Edinburgh, to Reduce the Amount of the Annuity Tax within the said Parish, and to make Provision for the maintenance of Two Ministers therein. [20th August, 1867.

CAP. CVIII.

An Act to provide for the Guarantee of Persons holding Situations of Trust under Government by Companies, Societies, or Associations. [20th August, 1867.

"Whereas persons having offices or employments in the public service are frequently required to give security by means of sureties for the due performance of the duties of such offices or employments, and it is expedient that the guarantee of companies which comply with certain conditions should be authorised to be accepted in lieu of such sureties:"

Be it enacted, &c.

1. *Definitions of terms.*

2. *Security for certain officers may be accepted from companies who comply with conditions named hereafter.*

3. *Conditions on which guarantee of company may be accepted.*] The conditions on which the guarantee of a company may be accepted under this Act are as follows:—

(1.) The capital which has been actually subscribed must not be less than £50,000;

(2.) The amount of capital paid up must not be less than £20,000;

(3.) The company shall set aside a special fund of such amount and invested in such manner as is hereinafter mentioned, and in any case in which the amount of capital paid up shall be less than £30,000, the first £10,000 set aside for the creation of such special fund shall be raised by new calls on the existing capital of the company, or by calls on new capital created for that purpose, or by both;

(4.) The amount of any one guarantee shall not exceed the sums hereinafter mentioned;

(6.) The company shall, within three weeks after their first meeting in every year, send to the Treasury such list of the members of the company and summary of particulars as is required by the 26th section of the Companies Act, 1862, to be sent to the registrar, and also a copy of their balance-sheet or balance-sheets for the previous twelvemonth, and a statement of the special fund and of the other funds of the company, and of the actual state of investment of such funds, such balance-sheet and statement to be verified by the auditor or auditors of the company.

4. *Regulations as to special fund.*] With respect to the special fund, the following enactment shall be made:—

(1.) The special fund shall be invested in the public funds or Government securities of Great Britain or Ireland in the name of such three or more of the directors of the company as are from time to time named by the Treasury, and in the matter of this Act, and the dividends thereon shall be paid to the said directors, but no part of the securities in which the special fund is invested shall be sold without the consent of the Treasury, signified in writing under the hand of one of the secretaries or under-secretaries of the Treasury;

(2.) The amount of the special fund shall not at the time that any guarantee of the company is accepted in pursuance of this Act be less than £10,000, and in each year after the special fund is formed a sum of not less than £1,000 out of the assets or income of the company shall be added to the special fund, and invested as before mentioned until the sum invested on account of the special fund amounts to £20,000, and the said fund may be further increased in such manner as the company may direct;

(3.) The special fund shall be liable, after the other assets of the company are exhausted, to meet all claims under guarantees given in pursuance of this Act, and all such claims, whether accrued or contingent, shall be the sole charge upon the special fund so long as there are any such guarantees given by the company.

5. *The Amount of guarantee for any one person.*] The amount which may be guaranteed under this Act in respect of any one person shall not,—

(*a.*) If the amount invested on account of the special fund in manner in this Act provided is less than £20,000, exceed £1,500;

(*b.*) If the amount so invested amounts to £20,000 and is less than £30,000, exceed £3,000;

(*c.*) If the amount so invested amounts to £30,000 and is less than £50,000, exceed £5,000;

(*d.*) In any case exceed £10,000;

And where any guarantee has been given in respect of any one person for a sum exceeding £1,500, £3,000, or £5,000 respectively, the amount so invested on account of the special fund shall not during the pendency of such guarantee be reduced below £20,000, £30,000, or £50,000 respectively.

6. *Form of guarantee.*

7. *Amount of loss may be certified.*

8. *Treasury may issue regulations.*

9. *Treasury may certify compliance of company.*

10. *Inspection of accounts by Treasury, and certificate of non-compliance with conditions.*

11. *Not to affect guarantees herein named.*] Nothing in this Act contained shall affect the right of giving or accepting any guarantee in any case where a guarantee by a company might be given or accepted without the authority of Parliament.

12. *Short title.*] This Act may be cited for all purposes as "The Guarantee by Companies Act, 1867."

CAP. CIX.

An Act for extinguishing certain Rights of Way over and along Barrack Lane in the Borough of New Windsor in the County of Berks. [20th August, 1867.

CAP. CX.

An Act to consolidate and amend the Acts for rendering effective the Service of Chelsea and Naval Out-Pensioners and Pensioners of the East India Company, and for establishing a Reserve Force of Men who have been in Her Majesty's Service. [20th August, 1867.

CAP. CXI.

An Act to form a Reserve of Men in the Militia to join Her Majesty's Army in the event of War. [20th August, 1867.

CAP. CXII.

An Act to provide further Facilities for the Repair of Roads, Bridges, and other Public Works in Ireland in case of sudden Damage. [12th August, 1867.

CAP. CXIII.

An Act for facilitating the Distribution of Sewage Matter over Land, and otherwise amending the Law relating to Sewer Authorities. [20th August, 1867.

CAP. CXIV.

An Act to extend the Jurisdiction, alter, and amend the Procedure and Practice, and to regulate the Establishment of the Court of Admiralty in Ireland. [20th August, 1867.

CAP. CXV.

An Act to remove Disqualifications of Justices of the Peace in certain cases. [20th August, 1867.

CAP. CXVI.

An Act to amend the Act of the Twenty-eighth and Twenty-ninth Victoria, Chapter Fifty, for regulating the keeping of Dogs, and for the Protection of Sheep and other Property from Dogs, in Ireland. [20th August, 1867.

CAP. CXVII.

An Act to amend the Industrial and Provident Societies Acts. [20th August, 1867.

"Whereas by the Industrial and Provident Societies Act, 1862, the Industrial and Provident Societies Act, 1852, and certain therein-recited Acts for the amendment thereof, were repealed, and provision was made for the constitution and regulation of such societies in future:

"And whereas doubts having arisen as to the effect of the said Act in certain cases, it is expedient that the same should be removed, and that the provisions so made should be amended in other respects:"

Be it therefore enacted, &c.

1. *Section* 48 *of* 18 *& 19 Vict. c. 63, and sections* 5, 9, 15, 16, *and* 25 *of* 25 *& 26 Vict. c. 87, repealed.*] There shall be repealed, from and after the passing of this Act, section 48 of 18 & 19 Vict. c. 63, and sections 5, 9, 15, 16, and 25 of the recited Act, and so much of section 3 as excepts the working of mines and quarries from the objects for which any society may be established under the Act.

2. *Limitation of interest of members.*] A society registered under this Act may hold in its registered name any amount of interest in any other society so registered, but if any other person hold or claim in any society so registered any interest exceeding two hundred pounds sterling, such person shall incur a penalty equal to the excess of such interest over the said sum.

3. *Provisions of the Friendly Societies Acts applied to Industrial and Provident Societies.* 18 *&* 19 *Vict. c.* 63, *s.* 24. 18 *&* 19 *Vict. c.* 63, *ss.* 41, 42, 43; *and* 21 *&* 22 *Vict. c.* 101, *s.* 1. 18 *&* 19 *Vict. c.* 63, *s.* 30. 18 *&* 19 *Vict. c.* 63, *s.* 37. 21 *&* 22 *Vict. c.* 101, *s.* 4.] The provisions following contained in the Acts under mentioned relating to friendly societies shall apply to all societies registered under this Act, and no such provision shall be affected in its application to such societies by its repeal in regard to friendly societies, unless the contrary be expressly declared by the Act repealing the same; and in applying such provisions words concerning the trustee of any society shall be taken to apply to the society, except the context precludes such construction; (that is to say,)

So much of the Friendly Societies Acts, 1855 and 1858, as relates to—

The punishment of fraud in withholding any money or other property belonging to any society:

The determination of disputes by the county courts in England, the Sheriffs' Court in Scotland, and the Assistant Barrister in Ireland, and the orders and proceedings for this purpose:

The reception of rules and other instruments in evidence:

The exemption of rules and other instruments from stamp duty:

The power to any society to change its name.

4. *Certificate of registration.*] Two copies of the rules shall be forwarded to the Registrar of friendly societies of England, Scotland, or Ireland, according to the place where the office of the society is situate, and shall be dealt with by him in the manner provided by "The Friendly Societies Act, 1855," and he shall thereupon give his certificate of registration, and such certificate shall in all cases be conclusive evidence that the society has been duly registered, and thereupon the members of such society shall become a body corporate, by the name therein described, having a perpetual succession and a common seal, with power to purchase, erect, and sell, and convey, or to hold lands and buildings, with limited liability.

5. *Power to nominate persons unto whose name the interests of members may be transferred at their death.*] A member of any society registered under this Act may, by any writing under his hand delivered at the registered office of the society, appoint any person being the husband, wife, father, mother, child, brother, sister, nephew, or niece of such member, to whom his shares in the society shall be transferred at his decease, provided that the sum credited to the account of such member in the books of the society does not exceed fifty pounds sterling, and may from time to time revoke or vary any such nomination by a writing under his hands similarly delivered; and the secretary of every such society shall keep a book wherein the names of all persons so nominated shall be regularly entered, and the shares comprised in any such nomination shall be transferable to the nominee, although the rules of the society declare its shares to be generally not transferrable: Provided nevertheless, that the society may, in lieu of making such transfer, elect to pay to any nominee the full value of the shares comprised in the nomination to him, and shall pay him the full value of any such shares which, if transferred into his name, would increase his interest in the society to an amount exceeding 200 pounds sterling.

6. *Recovery of penalties.*] All penalties imposed by the Industrial and Provident Societies Act, 1862, or by this Act, or by the rules of any society registered under the said Act, shall be recoverable, with costs, and dealt with in a manner directed by the Friendly Societies Acts, in regard to the penalty thereby imposed, on any default in transmitting the returns thereby required, and at the suit of the registrar in the case of penalties imposed by the recited Act or by this Act, or in the case of penalties imposed by the rules of any society so registered at the suit of the society.

7. *Alterations of, or additions to, rules to be registered.*] Two copies of every alteration of, or addition to, the rules of every society registered under this Act, signed by

members of the society, and countersigned by the secretary, shall be sent to the Registrar for his certificate of registration, and shall be accompanied by a declaration in the form contained in the schedule hereto annexed; and no alterations of, or additions to, the rules of any society registered under this Act, made after the passing hereof, shall be valid until they are so certified.

8. *Form of certificate.*] The Registrar shall give his certificates respectively in the forms contained in the said schedule in the cases thereto mentioned.

9. *Penalties on not sending returns, &c.*] All returns required under section 24 of the recited Act to be made to the Registrar of friendly societies shall be sent to him by each society registered thereunder on or before the first day of March in every year; and every such society which does not send any such return, or furnish copies thereof, or of its rules, as is required by the recited Act or hereby, shall incur a penalty not less than forty shillings nor exceeding £50 for each such offence; and every person who makes or orders to be made any false statement or any omission in any such return with intent to deceive the registrar, shall incur a penalty not exceeding fifty pounds sterling for each return so dealt with.

10. *Form of rules provided as moved.*] The form of rules contained in the schedule hereto may be adopted by any society desirous of being registered under this Act, either without any additions or with any additions or alterations agreeable to law.

11. *Societies deemed to be established from registration under either Act.*] Every society established previous to the passing of the recited Act for any of the purposes in such Act mentioned shall be deemed to be a society established under such Act from the registration of such society under the provisions of the recited Act or of this Act

12. *Exemption from income tax.*] A society registered under this Act, and not allowing any member thereof to hold or claim any interest therein or moneys therefrom exceeding in value the sum of £200, shall not be chargeable with the duty under schedule (C.) or schedule (D.) of the income tax Acts: provided that the above exemption shall not be construed to relieve any member of such society, or person employed by such society, to whom any portion of the profits of the society shall be paid, from assessment to the said duties in respect of such payment in any case in which the total income of such member or other person, inclusive of his portion of the said profits, shall amount to the sum of £100 or upwards.

13. *Lists to be returned to Commissioners for special purposes containing the names, &c., of persons entitled to profits.*] The secretary or other managing officer of any society registered under this Act shall, within twenty-one days after the 6th day of April in every year, transmit to the Commissioners for special purposes of the Income Tax Acts a list containing the name and residence of every member of such society or other person to whom profits made by the society have been paid or shall be payable within or for the year ended on the 5th day of April preceding, and the amounts paid or payable to each member or other person, and thereupon the special commissioners shall take the necessary steps for charging the said duties, under the regulations of the Income Tax Acts, on such of the said persons as may be liable thereto; and any secretary or other officer of any such society who shall neglect to make out and deliver to the Commissioners for special purposes, within the time specified by this Act, a list containing the particulars hereby required, shall forfeit and pay the sum of £50, to be recovered in like manner as penalties imposed for like default by the Income Tax Acts.

14. *Short Title. Construction of Act.*] The recited Act, so far as it is not hereby repealed, shall be incorporated with this Act, and may be cited with it as the Industrial and Provident Societies Act, 1867, and the schedule hereto annexed shall be substituted for the schedule thereto; all societies registered under the recited Act shall be taken to be registered under this Act; and in construing the recited Act and this Act, provisions relating to the rules or name of any society shall apply to the registered rules and name thereof for the time being, and the registrar shall mean the Registrar of Friendly Societies for England, Scotland, or Ireland, according to the place where the office of the society is situate.

SCHEDULE REFERRED TO IN THIS ACT.

Of Matters to be provided for by the Rules of Societies established under this Act.

1. Object, name, and place of office of the society.
2. Terms of admission of members.
3. Mode of holding meetings and right of voting, and of making or altering rules.
4. Determination whether the shares, or any number thereof, shall be transferable; and in case it be determined that the shares, or any number thereof, shall be transferable, provision for the form of transfer and registration of shares, and for the consent of the committee of management and confirmation by a general meeting of the society; and in case it be determined that the shares shall not be transferable, provision for paying to members the balance due to them on withdrawing from the society.
5. Provision for the audit of accounts.
6. Determination whether and by what authority any part of capital may be invested in or on the security of another society, provided that no such investment be authorised in any society not registered under this Act, or under the Companies Act, as a company with limited liability.
7. Determination whether and how members may withdraw from the society, and provisions for the claims of executors, administrators, or assigns of members, and for paying nominees in the case herein mentioned.
8. Mode of application of profits.
9. Appointment of managers and other officers, and their respective powers and remuneration.
10. Provisions for the custody, use, and device of the seal of the society, which shall in all cases bear the registered name thereof.

FORMS OF CERTIFICATE TO BE GIVEN UNDER THIS ACT.

Certificate of Registration of a Society.

Certificate, to follow Rules upon the Registration of a Society established under this Act.

Certificate of Alterations of Rules.

Certificate of changed Names.

CAP. CXVIII.

An Act to provide for the Appointment of the Officers and Servants of District Lunatic Asylums in Ireland, and to alter and amend the Law relating to the Custody of dangerous Lunatics and dangerous Idiots in Ireland. [20th August, 1867.

CAP. CXIX.

An Act for the Protection of Naval Stores. [20th August, 1867

CAP. CXX.

An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-eight, and to appropriate the Supplies granted in this Session of Parliament. [20th August, 1867

CAP. CXXI.

An Act to continue certain Turnpike Acts in Great Britain, to repeal certain other Turnpike Acts, and to make further Provision concerning Turnpike Roads. [20th August, 1867.

CAP. CXXII.

An Act for the Application of surplus Fees paid by Suitors in the Superior Courts of Law and other Courts towards the Expenses of providing the intended Courts of Justice; and for other Purposes. [20th August, 1867.

Be it enacted, &c.

1. *Amendment of sect. 7 of 29 & 30 Vict., c. 101, as to Common Law fees.*] With respect to the Superior Courts of Common Law there shall be omitted from the account prescribed by section 7 of The Common Law Courts (Fees and Salaries) Act, 1866, the following items:—

1. Payment for compensation in respect of the offices described in the first schedule to this act:

2. Receipts and payments in respect of the Crown Office of the Court of Queen's Bench:
3. Receipts and payments in respect of fees, salaries, and expenses of the clerks of assize.

2. *Court of Probate fees account.*] With respect to the Court of Probate there shall be annually prepared, under the direction of the Commissioners of her Majesty's Treasury, an account for the year ending the 31st day of March, showing—

1. The amount received in respect of fees under the Act described in the second schedule to this Act:
2. The payments for the salaries of the registrars, district registrars, clerks, and others holding offices in the Court of Probate, either in London or in the country districts, and for the incidental expenses relating to those offices, and for superannuations, pensions, and retiring allowances of officers, and compensations under the same Act.

3. *Court of Admiralty fees account.*] With respect to the High Court of Admiralty there shall be annually prepared, under the direction of the Commissioners of her Majesty's Treasury, an account for the year ending the 31st day of March, showing—

1. The amount received in respect of fees under the Acts described in the third schedule to this Act:
2. The payments for the salaries of the officers of the court and for pensions, compensations, and other charges and payments in respect of the court payable out of money provided by Parliament.

4. *Office of Land Registry fees account.*] With respect to the office of Land Registry there shall be annually prepared, under the direction of the Commissioners of her Majesty's Treasury, an account for the year ending the 31st day of March, showing—

1. The amount received in respect of fees under the Act described in the fourth schedule to this Act:
2. The payments for salaries, retiring pensions, superannuation allowances, and other charges payable under that Act out of money provided by Parliament.

5. *Accounts to show surplus and deficit, and comparison for two years.*] Each of the four accounts aforesaid shall show the deficit or surplus of receipts as compared with expenditure, and the second of the several yearly accounts and every subsequent account shall show the items for two consecutive years, and the increase or decrease of any item in the second of those years as compared with the first.

6. *Accounts to be laid before Houses of Parliament.*] Every account prepared under this Act shall be laid before both houses of Parliament within one month after the 31st day of March in each year if Parliament is then sitting, or if not, then within one month after the next meeting of Parliament.

7. *First year of account.*] This Act shall be deemed to have been in force with respect to the year ending the 31st day of March, 1867, and accordingly the four several accounts aforesaid shall be prepared for that year.

8. *Provision for deficit on accounts.*] If in any year there is a deficit on any of the four accounts aforesaid, the amount of such deficit shall be debited to the same account in the next following year; provided that no such deficit shall be debited to any account unless and until there has been in some year a surplus on the same account, and after there has been such a surplus the deficit (if any) of every subsequent year shall be so debited, but not that of any year previous to that in which there first was a surplus.

9. *If surplus on any of the four accounts, Treasury to issue amount out of Consolidated Fund, to be applied in discharging annuity payable under sec. 9 of 28 & 29 Vic. c. 48, and sec. 2 of 29 & 30 Vic. c. 63.*] If in any year there is a surplus on any of the four accounts aforesaid (any deficit having been first duly debited as aforesaid to that account), the Commissioners of her Majesty's Treasury shall issue the amount of such surplus out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, to her Majesty's Paymaster-General, to be carried to the credit of an account to be opened in his books, to be called the Courts of Justice Advances Redemption Account; and the amount standing to the credit of that account, or any part thereof, may be from time to time invested and accumulated under the direction of the Lord Chancellor and the Commissioners of her Majesty's Treasury, and the same and the accumulations thereof shall be applied at such periods and in such manner as the Lord Chancellor and the Commissioners of her Majesty's Treasury from time to time determine, towards discharging the redemption annuity to become payable under section 9 of the Courts of Justice Building Act, 1865, and section 2 of the Courts of Justice Act, 1866.

There shall be annually prepared, under the direction of the Commissioners of her Majesty Treasury, and laid before both Houses of Parliament, a statement of the receipts, investments, and expenditure on the last-mentioned accounts.

10. *Power to Treasury to prepare amended table of fees.*] The Commissioners of her Majesty's Treasury shall have power from time to time to prepare amended tables of fees and payments required by this Act to be credited to any of the four accounts aforesaid, and to lay them for approval before the persons now respectively empowered to add to, reduce, alter, or amend the same, and any alteration in the amount of such fees or payments shall be subject to the approval of the said Commissioners.

11. *Provision for payment of money received in respect of Bankruptcy, or in any Court prescribed by 28 & 29 Vict. c. 49.*] If at any time provision is made by Parliament for payment into the receipt of her Majesty's Exchequer of money received in respect of fees in the Court of Bankruptcy, or in any court or office prescribed under sec. 3 of the Courts of Justice Concentration (Site) Act, 1865, the provisions of this Act shall extend and apply, *mutatis mutandis*, to the Court of Bankruptcy, or to such other court or office as the case requires.

12. *As to salaries of judges' marshalls.*] Section 7 of the Act described in the fifth schedule to this Act shall be read and have effect as if the words "to the marshall of the senior judge" were omitted therefrom.

13. *Short title.*] This Act may be cited as "The Courts of Law Fees Act, 1867."

SCHEDULES.

THE FIRST SCHEDULE.

Office of Comptroller of Seals, Queen's Bench and Common Pleas.

Office of Custos Brevium, Common Pleas.

Office of Hereditary Chief Proclamator and Chief Usher, Exchequer.

THE SECOND SCHEDULE.

20 & 21 Vict. c. 77.—An Act to amend the law relating to probates and letters of administration in England.

THE THIRD SCHEDULE.

3 & 4 Vict. c. 66.—An Act to make provision for th Judge, Registrar, and Marshall of the High Court of Admiralty of England.

17 & 18 Vict. c. 78.—An Act to appoint persons to administer oaths, and to substitute stamps in lieu of fees, and for other purposes, in the High Court of Admiralty of England.

THE FOURTH SCHEDULE.

25 & 26 Vict. c. 53.—An Act to facilitate the proof of title to, and the conveyance of, real estates.

THE FIFTH SCHEDULE.

15 & 16 Vict. c. 73.—An Act to make provision for a permanent establishment of officers to perform the duties at Nisi Prius in the Superior Courts of Common Law, and for the payment of such officers and of the judges' clerks by salaries, and to abolish certain offices in those courts.

CAP. CXXIII.

An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of Exeter, Devonport, Reading, Warley, and Midgley, and for other Purposes relative to certain Districts under the said Act. [20th August, 1867.

CAP. CXXIV.

An Act to amend The Merchant Shipping Act, 1854. [20th August, 1867.

CAP. CXXV.

An Act to continue and amend the Acts relating to Contagious or Infectious Diseases among Cattle and other Animals. [20th August, 1867.

CAP. CXXVI.

An Act to amend the Law relating to Railway Companies in Scotland. [20th August, 1867.

CAP. CXXVII.

An Act to amend the Law relating to Railway Companies. [20th August, 1867.

Be it enacted, &c.

Preliminary.

1. *Short title.*] This Act may be cited as "The Railway Companies Act, 1867."

2. *Extent of Act.*] Except as in this Act expressly otherwise provided, this Act shall not extend to Scotland.

3. *Interpretation of terms.*] In this Act—

The term "company" means a railway company; that is to say, a company constituted by Act of Parliament, or by certificate under Act of Parliament, for the purpose of constructing, maintaining, or working a railway (either alone or in conjunction with any other purpose):

The term "action" includes suit or other proceeding:

The term "judgment" includes decree, order, or rule:

The term "share" includes stock:

The term "person" includes corporation:

The term "Court of Chancery" or "Court" means the Court of Chancery in England or Ireland, as the case requires:

The term "Gazette" means, with respect to England, the *London Gazette*, and with respect to Ireland the *Dublin Gazette*.

Protection of Rolling Stock and Plant.

4. *Restriction on execution against personal property of company.*] The engines, tenders, carriages, trucks, machinery, tools, fittings, materials, and effects constituting the rolling stock and plant used or provided by a company for the purposes of the traffic on their railway, or of their stations or workshops, shall not, after their railway or any part thereof is open for public traffic, be liable to be taken in execution at law or in equity at any time after the passing of this Act, and before the 1st day of September, 1868, where the judgment on which execution issues is recovered in an action on a contract entered into after the passing of this Act, or in an action not on a contract commenced after the passing of this Act; but the person who has recovered any such judgment may obtain the appointment of a receiver, and, if necessary, of a manager, of the undertaking of the company, on application by petition in a summary way to the Court of Chancery in England or in Ireland, according to the situation of the railway of the company; and all money received by such receiver or manager shall, after due provision for the working expenses of the railway and other proper outgoings in respect of the undertaking, be applied and distributed under the direction of the Court in payment of the debts of the company and otherwise according to the rights and priorities of the persons for the time being interested therein; and on payment of the amount due to every such judgment-creditor as aforesaid the Court may, if it think fit, discharge such receiver or such receiver and manager.

5. *Determination of questions respecting executions.*] If in any case where property of a company has been taken in execution a question arises whether or not it is liable to be so taken notwithstanding this Act, the same may be heard and determined on an application by either party by summons in a summary way to the Court out of which the execution issued, or if the Court is one of the Superior Courts of Law, then to a judge of any one of those courts, and such determination shall be final and binding.

Arrangements.

6. *Preparation and filing of scheme of arrangement.*] Where a company are unable to meet their engagements with their creditors the directors may prepare a scheme of arrangement between the company and their creditors (with or without provisions for settling and defining any rights of shareholders of the company as among themselves, and for raising, if necessary, additional share and loan capital, or either of them), and may file the same in the Court of Chancery in England or in Ireland, according to the situation of the principal office of the company, with a declaration in writing under the common seal of the company to the effect that the company are unable to meet their engagements with their creditors, and with an affidavit of the truth of such declaration made by the chairman of the board of directors and by the other directors, or the major part in number of them, to the best of their respective judgment and belief.

7. *Stay of actions.*] After the filing of the scheme the Court may, on the application of the company on summons or motions in a summary way, restrain any action against the company on such terms as the Court thinks fit.

8. *Notice in* Gazette.] Notice of the filing of the scheme shall be published in the *Gazette*.

9. *Stay of executions, &c.*] After such publication of notice no execution, attachment, or other process against the property of the company shall be available without leave of the Court to be obtained on summons or motion in a summary way.

10. *Assent by mortgagees, &c.*] The scheme shall be deemed to be assented to by the holders of mortgages or bonds issued under the authority of the company's special Acts when it is assented to in writing by three-fourths in value of the holders of such mortgages or bonds, and shall be deemed to be assented to by the holders of debenture-stock of the company when it is assented to in writing by three-fourths in value of the holders of such stock.

11. *Assent by owners of rentcharge, &c.*] Where any rentcharge or other payment is charged on receipts of or is payable by the company in consideration of the purchase of the undertaking of another company, the scheme shall be deemed to be assented to by the holders of such rentcharge or other payment when it is assented to in writing by three-fourths in value of such holders.

12. *Assent by preference shareholders.*] The scheme shall be deemed to be assented to by the guaranteed or preference shareholders of the company when it is assented to in writing as follows:—If there is only one class of guaranteed or preference shareholders, then by three-fourths in value of that class, and if there are more classes of guaranteed or preference shareholders than one, then by three-fourths in value of each such class.

13. *Assent by ordinary shareholders.*] The scheme shall be deemed to be assented to by the ordinary shareholders of the company when it is assented to at an extraordinary general meeting of the company specially called for that purpose.

14. *Assent by leasing company.*] Where the company are lessees of a railway the scheme shall be deemed to be assented to by the leasing company when it is assented to as follows:

In writing by three-fourths in value of the holders of mortgages, bonds, and debenture stock of the leasing company:

If there is only one class of guaranteed or preference shareholders of the leasing company, then in writing by three-fourths in value of that class, and if there are more classes of guaranteed or preference shareholders in the leasing company than one, then in writing by three-fourths in value of each such class:

By the ordinary shareholders of the leasing company at an extraordinary general meeting of that company spacially called for that purpose.

15. *Assent of creditors, &c., not affected, unnecessary.*] Provided that the assent to the scheme of any class of holders of mortgages, bonds, or debenture-stock, or of any class of holders of a rentcharge or other payment as aforesaid, or of any class of guaranteed or preference shareholders, or of a leasing company, shall not be requisite in case the scheme does not prejudicially affect any right or interest of such class or company.

16. *Application for confirmation of scheme.*] If at any time within three months after the filing of the scheme or within such extended time as the Court from time to time thinks fit to allow, the directors of the company consider the scheme to be assented to as by this Act required, they

may apply to the Court by petition in a summary way for confirmation of the scheme.

Notice of any such application, when intended, shall be published in the *Gazette*.

17. *Confirmation of scheme.*] After hearing the directors, and any creditors, shareholders, or other parties whom the Court thinks entitled to be heard on the application, the Court, if satisfied that the scheme has been within three months after the filing of it, or such extended time (if any) as the Court has allowed, assented to as required by this Act, and that no sufficient objection to the scheme has been established, may confirm the scheme.

18. *Enrolment and effect of scheme.*] The scheme when confirmed shall be enrolled in the Court, and thenceforth the same shall be binding and effectual to all intents, and the provisions thereof shall, against and in favour of the company and all parties assenting thereto or bound thereby, have the like effect as if they had been enacted by Parliament.

19. *Notice of confirmation of scheme.*] Notice of the confirmation and enrolment of the scheme shall be published in the *Gazette*.

20. *Company to keep printed copies of scheme for sale.*] The company shall at all times keep at their principal office printed copies of the scheme, when confirmed and enrolled, and shall sell such copies to all persons desiring to buy the same at a reasonable price, not exceeding sixpence for each copy.

Penalty for neglect.] If the company fail to comply with this provision they shall be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding five pounds for every day during which such failure continues after the first penalty is incurred, which penalties shall be recovered and applied as penalties under the Railways Clauses Consolidation Act, 1845, are recoverable and applicable.

21. *Provision for cases where railways or part in Scotland.*] Where a company, whose principal office is situate in England, have a railway or part of a railway in Scotland, the following provisions shall have effect:

(1.) Any scheme under this Act shall be filed in the Court of Chancery in England:

(2.) Where, after the filing of the scheme, any person who is not amenable to the jurisdiction of the Court of Chancery in England brings any action against the company in Scotland, the Court of Session may, on the application of the company by petition in a summary way, sist, stay, or interdict the same on such terms as the Court thinks fit:

(3.) Notice of the filing of the scheme shall be published in the *Edinburgh Gazette*, and after such publication no diligence against the property of the company in Scotland shall be available for any person who is not amenable to the jurisdiction of the Court of Chancery in England without the leave of the Court of Session, to be obtained on petition in a summary way:

In this section the term "Court of Session" means either division of the Court of Session, or in time of vacation the Lord Ordinary officiating on the bills.

22. *General orders for regulation of practice in Court of Chancery.*] The Lord Chancellor of Great Britain, with the advice and assistance of the Lords Justices of the Court of Appeal in Chancery, the Master of the Rolls, and the Vice-Chancellors, or any two of those judges, and the Lord Chancellor of Ireland, with the advice and assistance of the Lord Justice of Appeal in Chancery and the Master of the Rolls, or one of them, may from time to time make general orders for the regulation of the practice of the Courts of Chancery in England and Ireland respectively under this Act.

Loan Capital.

23. *Priority of Mortgages.*] All money borrowed or to be borrowed by a company on mortgage or bond or debenture stock under the provisions of any Act authorising the borrowing thereof shall have priority against the company and the property from time to time of the company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: provided always, that this priority shall not affect any claim against the company in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act, 1845, or the Lands Clauses Consolidation Acts Amendment Act, 1860, or in respect of any rent or sum reserved by or payable under any lease granted or made to the company by any person in pursuance of any Act relating to the company which is entitled to rank in priority to, or *pari passu* with, the interest or dividends on the mortgages, bonds, and debenture stock; nor shall anything hereinbefore contained affect any claim for land taken, used, or occupied by the company for the purposes of the railway, or injuriously affected by the construction thereof, or by the exercise of any powers conferred on the company.

24. *Power to issue debenture stock, subject to part 3 of 26 & 27 Vict. c. 118.*] Any company may create and issue debenture stock, subject to the provisions of part 3 of the Companies Clauses Act, 1863 (relating to debenture stock), and the said part 3 shall, with respect to any special Act of a company incorporating that part, whether passed or to be passed, be read and have effect as if the following words, that is to say, "not exceeding the rate prescribed in the special Act, and if no rate is prescribed then not exceeding the rate of £4 per cent. per annum," had not been inserted in section 22 of that Act; and for the purposes of the present section this Act shall be deemed a special Act passed incorporating that part; and any special Act of a company passed before the passing of this Act prescribing any rate shall be read and have effect as if no rate had been prescribed therein.

25. *Restriction on rate of interest on debenture stock already authorized.*] Provided that any debenture stock the creation whereof has been authorized by a company, but which has not been issued, before the passing of this Act, shall not be issued on any terms other than those whereon it might have been issued if this Act had not been passed, unless and until the issue thereof on terms other than as aforesaid is after the passing of this Act authorized by the company in manner provided in section 22 of the Companies Clauses Act, 1863.

26. *Advances to meet debentures falling due.*] Money borrowed by a company for the purpose of paying off, and duly applied in paying off bonds or mortgages of the company given or made under the statutory powers of the company, shall, so far as the same is so applied, be deemed money borrowed within and not in excess of such statutory powers.

Share Capital.

27. *Power to issue shares or stock at discount.*] Section 21 of the Companies Clauses Act, 1863, shall, with respect to any special Act of a company incorporating part 2 of that Act, whether passed or to be passed, be read and have effect as if the following words, that is to say, "but so that no less than the full nominal amount of any share or portion of stock be payable or paid in respect thereof," had not been inserted in that section.

28. *Power to issue residue of original or other capital at discount.*] Any shares forming part of the capital (whether original or additional) authorised to be raised by any special Act of a company passed before the present session, which have not been disposed of, may be disposed of in manner provided by part 2 of the Companies Clauses Act, 1863, as amended by this Act, and that part, as so amended, shall be deemed incorporated with such special Act accordingly.

29. *Restriction on issuing at discount of shares or stock already authorised.*] Provided that any shares the creation whereof has been authorised by any company, but which have not been issued, before the passing of this Act, shall not be issued on any terms other than those whereon the same might have been issued if this Act had not been passed, unless and until the issue thereof on terms other than as aforesaid is after the passing of this Act authorised by the company in manner provided by part 2 of the Companies Clauses Act, 1863.

30. *Audit of railway accounts*] No dividend shall be declared by a company until the auditors have certified that the half-yearly accounts proposed to be issued contain a full and true statement of the financial condition of the company, and that the dividend proposed to be declared on any shares is *bonâ fide* due thereon after charging the revenue of the half year with all expenses which ought to be paid thereout in the judgment of the auditors; but if the directors differ from the judgment of

the auditors with respect to the payment of any such expenses out of the revenue of the half year, such difference shall, if the directors desire it, be stated in the report to the shareholders, and the company in general meeting may decide thereon, subject to all the provisions of the law then existing, and such decision shall for the purposes of the dividend be final and binding; but if no such difference is stated or if no decision is given on any such difference, the judgment of the auditors shall be final and binding: and the auditors may examine the books of the company at all reasonable times, and may call for such further accounts and such vouchers, papers, and information, as they think fit, and the directors and officers of the company shall produce and give the same as far as they can, and the auditors may refuse to certify as aforesaid until they have received the same; and the auditors may at any time add to their certificate, or issue to the shareholders independently at the cost of the company, any statement respecting the financial conditions and prospects of the company which they think material for the information of the shareholders.

Abandonment.

31. *Provisions of 13 & 14 Vict. c. 83, as to Abandonment of Railways to apply to all Companies authorized to make Railways before this Session.*] The Abandonment of Railways Act, 1850, shall extend and apply to all Companies authorized to make Railways by Act of Parliament passed before the present Session, subject and according to the following provisions:

(1.) Section 31 of that Act shall be read and have effect as if the Companies Act, 1862, were referred to therein instead of the Joint-Stock Companies Winding-up Act, 1848, or any Act amending the same:

(2.) Section 35 of the said Act of 1850 shall be read and have effect as if the date of the 21st day of May, 1867, were therein substituted for the date of the 11th day of February, 1850:

(3.) Nothing in the said Act of 1850 or this Act shall be deemed to make it obligatory on the Board of Trade to authorize the abandonment of a Railway or part of a Railway on any application in that behalf, and the Board of Trade shall not authorize such abandonment in any case unless it appears to them just and expedient so to do, and the Board of Trade may, if they think fit, refuse in any case to authorize such abandonment, except on condition of the money deposited as security for the completion of the Railway, or the stocks, funds, or securities on which the same is invested, or the money secured by any bond conditioned for completion of the railway, or for payment of money in default thereof, being applied as part of the assets of the company.

32. *Abandonment where three fifths of capital not subscribed.*] Where it is shown to the satisfaction of the Board of Trade, with respect to a company authorised to make a railway by Act of Parliament passed before the present session, that no part, or a part less than three fifths, of the share capital of the company, has been subscribed, the Board of Trade may, if they think fit, proceed under the said Act of 1850, as extended by this Act, on the application of any person named in the Special Act incorporating the company as a member or director thereof, or of any person named in the warrant or order directing payment of any deposit under any standing order of either House of Parliament, or of any person who has lent the amount of such deposit, or any part thereof, or has entered into any bond conditioned for the completion of the railway, or for payment of any money in default thereof, and without the preliminary consent of a meeting of shareholders of the company.

33. *Compensation for Damage to Land by Entry, &c.*] The authority given under this Act for the abandonment by a company of any railway or part of a railway shall not affect the right of the owner or occupier of any lands that have been temporarily occupied by the company to receive compensation, in accordance with the provisions of the Railways Clauses Consolidation Act, 1845, for such temporary occupation, or for any loss, damage, or injury that has been sustained by him by reason thereof, or of the exercise as regards such lands of any of the company's powers.

34. *Cancellation of bonds for completion of railways and release of deposit.*] Where a warrant for abandonment is granted under the Abandonment of Railways Act, 1850, as extended by this Act, the Commissioners of her Majesty's Treasury may cancel and deliver up any bond entered into by or on behalf of a railway company for securing the completion of a railway, or, in case the abandonment be of part of the railway only, may cancel and deliver up such bond on receiving another bond in lieu thereof conditioned for payment of a due proportionate part of the amount secured by such former bond; and any money remaining deposited as security for the completion of the railway, or the stocks, funds, or securities in which the same is invested, or any bank annuities, stocks, funds, securities, or exchequer bills remaining deposited as such security, or in case the abandonment authorized is of part only of a railway then such proportionate part as the Board of Trade thinks fit of such money, stocks, funds, securities, annuities, or exchequer bills, shall be paid, transferred, or delivered out to the persons who would be entitled to receive the same if the railway had been completed and opened for public traffic; and the Court of Chancery shall, on the application of those persons, order payment, transfer, or delivery out thereof accordingly, on a certificate of the Board of Trade certifying that such a warrant for abandonment has been granted.

35. *Protection for Board of Trade in case of error.*] The issuing in any case of any warrant or certificate relating to deposit, or to any money, stocks, funds, securities, bank annuities, or exchequer bills deposited, or any error in any such warrant or certificate, or in relation thereto, shall not make the Board of Trade, or the person signing the warrant or certificate on their behalf, in any manner liable for or in respect of the money, stocks, funds, securities, bank annuities, or exchequer bills deposited, or the interest of or dividends on the same, or any part thereof respectively.

Purchase of Lands.

36. *Amendment (as to railway companies) of section 85 of 8 & 9 Vict. c. 18.*] Where, after the passing of this Act, a company exercise the powers conferred on the promoters of the undertaking by section 85 of The Lands Clauses Consolidation Act, 1845, the following provisions shall have effect:

(1.) The surveyor to be appointed as in that section provided shall be appointed by the Board of Trade instead of by two justices, and all the provisions of that Act relative to a surveyor appointed by two justices shall apply to a surveyor so appointed by the Board of Trade:

(2.) The company shall give not less than seven days' notice of their intention to apply to the Board of Trade for the appointment of a surveyor to any party interested in or entitled to sell and convey the lands in question, and not consenting to the entry of the company:

(3.) The valuation to be made by the surveyor so appointed shall include the amount of compensation for all damage and injury to be sustained by reason of the exercise of the powers conferred by the said section, as far as such damage and injury are capable of estimation:

(4.) The sureties to the bond to be given by the company under that section shall, in case the parties differ, instead of being approved of by two judges, be approved of by the Board of Trade, after hearing the parties.

37. *Costs of arbitrations as to lands.*] Where, in England, under The Lands Clauses Consolidation Act, 1845, or any Act incorporating the same, a question of disputed compensation relating to lands required to be purchased or taken by a company is determined by arbitration, the costs of and incidental to the arbitration and award shall, if either party so requires, be settled, as between the parties, by one of the masters of the Court of Queen's Bench.

CAP. CXXVIII.

An Act for the Protection of War Department Stores.

[20th August, 1867.

CAP. CXXIX.

An Act to alter and regulate the Official Establishment of the High Court of Chancery and of the Superior Courts of Common Law in Ireland.

[20th August, 1867.

CAP. CXXX.

An Act for the Regulation of Agricultural Gangs.

[20th August, 1867.

CAP. CXXXI.

An Act to amend "The Companies Act, 1862."

[20th August, 1867.

Be it enacted, &c.

Preliminary.

1. *Short title.*] This Act may be cited for all purposes as "The Companies Act, 1867."

2. *Act to be construed as one with* 25 & 26 *Vict. c.* 89.] The Companies Act, 1862, is hereinafter referred to as "the principal Act;" and the principal Act and this Act are hereinafter distinguished as and may be cited for all purposes as "The Companies Acts, 1862 and 1867;" and this Act shall, so far as is consistent with the tenor thereof, be construed as one with the principal Act; and the expression "this Act" in the principal Act which occurs in any Act or other document, shall be construed to mean the principal Act as amended by this Act.

3. *Commencement of Act.*] This Act shall come into force on the 1st day of September, 1867, which date is hereinafter referred to as the commencement of this Act.

Unlimited Liability of Directors.

4. *Company may have directors with unlimited liability.*] Where after the commencement of this Act a company is formed as a limited company under the Principal Act, the liability of the directors or managers of such company, or the managing director, may, if so provided by the memorandum of association, be unlimited.

5. *Liability of director, past and present, where liability is unlimited.*] The following modifications shall be made in the thirty-eighth section of the principal Act, with respect to the contributions to be required in the event of the winding-up of a limited company under the principal Act, from any director or manager whose liability is, in pursuance of this Act, unlimited:

(1.) Subject to the provisions hereinafter contained, any such director or manager, whether past or present, shall, in addition to his liability (if any) to contribute as an ordinary member, be liable to contribute as if he were at the date of the commencement of such winding-up a member of an unlimited company:

(2.) No contribution required from any past director or manager who has ceased to hold such office for a period of one year or upwards prior to the commencement of the winding up shall exceed the amount (if any) which he is liable to contribute as an ordinary member of the company:

(3.) No contribution required from any past director or manager in respect of any debt or liability of the company contracted after the time at which he ceased to hold such office shall exceed the amount (if any) which he is liable to contribute as an ordinary member of the company:

(4.) Subject to the provisions contained in the regulations of the company no contribution required from any director or manager shall exceed the amount (if any) which he is liable to contribute as an ordinary member, unless the court deems it necessary to require such contribution in order to satisfy the debts and liabilities of the company, and the costs, charges, and expenses of the winding-up.

6. *Director with unlimited Liability may have set-off as under sect.* 101 *of* 25 & 26 *Vict. c.* 89.] In the event of the winding-up of any limited company, the Court, if it think fit, may make to any director or manager of such company whose liability is unlimited the same allowance by way of set-off as under the 101st section of the principal Act it may make to a contributory where the company is not limited.

7. *Notice to be given to director on his election that his liability will be unlimited.*] In any limited company in which, in pursuance of this Act, the liability of a director or manager is unlimited, the directors or managers of the company (if any), and the member who proposes any person for election or appointment to such office, shall add to such proposal a statement that the liability of the person holding such office will be unlimited, and the promoters, directors, managers, and secretary (if any) of such company, or one of them, shall, before such person accepts such office or acts therein, give him notice in writing that his liability will be unlimited.

If any director, manager, or proposer make default in adding such statement, or if any promoter, director, manager, or secretary, make default in giving such notice, he shall be liable to a penalty not exceeding £100, and shall also be liable for any damage which the person so elected or appointed may sustain from such default, but the liability of the person elected or appointed shall not be affected by such default.

8. *Existing limited company may, by special resolution, make liability of directors unlimited.*] Any limited company under the principal Act, whether formed before or after the commencement of this Act, may, by a special resolution if authorised so to do by its regulations, as originally framed or as altered by special resolution, from time to time modify the conditions contained in its memorandum of association so far as to render unlimited the liability of its directors or managers, or of the managing director; and such special resolution shall be of the same validity as if it had been originally contained in the memorandum of association, and a copy thereof shall be embodied in or annexed to every copy of the memorandum of association which is issued after the passing of the resolution, and any default in this respect shall be deemed to be a default in complying with the provisions of the 54th section of the principal Act, and shall be punished accordingly.

Reduction of Capital and Shares.

9. *Power to company to reduce capital.*] Any company limited by shares may, by special resolution, so far modify the conditions contained in its memorandum of association, if authorised so to do by its regulations as originally framed or as altered by special resolution, as to reduce its capital; but no such resolution for reducing the capital of any company shall come into operation until an order of the Court is registered by the Registrar of Joint-Stock Companies, as is hereinafter mentioned.

10. *Company to add "and reduced" to its name for a limited period.*] The company shall, after the date of the passing of any special resolution for reducing its capital, add to its name, until such date as the Court may fix, the words "and reduced," as the last words in its name, and those words shall, until such date, be deemed to be part of the name of the company within the meaning of the principal Act.

11. *Company to apply to the Court for an order confirming reduction.*] A company which has passed a special resolution for reducing its capital, may apply to the Court by petition for an order confirming the reduction, and on the hearing of the petition the Court, if satisfied that with respect to every creditor of the company who under the provisions of this Act is entitled to object to the reduction, either his consent to the reduction has been obtained, or his debt or claim has been discharged or has determined, or has been secured as herein-after provided, may make an order confirming the reduction on such terms and subject to such conditions as it deems fit.

12. *Definition of the Court.* The Expression "the Court" shall in this Act mean the Court which has jurisdiction to make an order for winding-up the petitioning company, and the 81st and 83rd sections of the principal Act shall be construed as if the term "winding-up" in those sections included proceedings under this Act, and the Court may in any proceedings under this Act make such order as to costs as it deems fit.

13. *Creditors may object to reduction, and list of objecting creditors to be settled by the Court.*] Where a company proposes to reduce its capital, every creditor of the company who at the date fixed by the Court is entitled to any debt or claim which, if that date were the commencement of the winding-up of the company, would be admissible in proof against the company, shall be entitled to object to the propcsed reduction, and to be entered in the list of creditors who are so entitled to object.

The Court shall settle a list of such creditors, and for that purpose shall ascertain as far as possible without requiring an application from any creditor, the names of such creditors and the nature and amount of their debts or claims, and

may publish notices fixing a certain day or days within which creditors of the company who are not entered on the lists are to claim to be so entered or to be excluded from the right of objecting to the proposed reduction.

14. *Court may dispense with consent of creditor on security being given for his debt.*] Where a creditor whose name is entered on the list of creditors, and whose debt or claim is not discharged or determined, does not consent to the proposed reduction, the Court may (if it think fit) dispense with such consent on the company securing the payment of the debt or claim of such creditor by setting apart and appropriating in such manner as the Court may direct, a sum of such amount as is hereinafter mentioned; (that is to say,)

(1.) If the full amount of the debt or claim of the creditor is admitted by the company, or, though not admitted, is such as the company are willing to set apart and appropriate, then the full amount of the debt or claim shall be set apart and appropriated.

(2.) If the full amount of the debt or claim of the creditor is not admitted by the company, and is not such as the company are willing to set apart and appropriate, or if the amount is contingent or not ascertained, then the Court may, if it think fit, inquire into and adjudicate upon the validity of such debt or claim, and the amount for which the company may be liable in respect thereof, in the same manner as if the company were being wound up by the Court, and the amount fixed by the Court on such inquiry and adjudication shall be set apart and appropriated.

15. *Order and minute to be registered.*] The registrar of Joint-Stock Companies upon the production to him of an order of the Court confirming the reduction of the capital of a company, and the delivery to him of a copy of the order and of a minute (approved by the Court), showing with respect to the capital of the company, as altered by the order, the amount of such capital, the number of shares in which it is to be divided, and the amount of each share, shall register the order and minute, and on the registration the special resolution confirmed by the order so registered shall take effect.

Notice of such registration shall be published in such manner as the Court may direct.

The registrar shall certify under his hand the registration of the order and minute, and his certificate shall be conclusive evidence that all the requisitions of this Act with respect to the reduction of capital have been complied with, and that the capital of the company is such as is stated in the minute.

16. *Minute to form part of memorandum of association.*] The minute when registered shall be deemed to be substituted for the corresponding part of the memorandum of association of the company, and shall be of the same validity and subject to the same alterations as if it had been originally contained in the memorandum of association; and, subject as in this Act mentioned, no member of the company, whether past or present, shall be liable in respect of any share to any call or contribution exceeding in amount the difference (if any) between the amount which has been paid on such share and the amount of the share as fixed by the minute.

17. *Saving of rights of creditors who are ignorant of proceedings.*] If any creditor who is entitled in respect of any debt or claim to object to the reduction of the capital of a company under this Act is, in consequence of his ignorance of the proceedings taken with a view to such reduction, or of their nature and effect with respect to his claim, not entered on the list of creditors, and after such reduction the company is unable, within the meaning of the 81st section of the principal Act, to pay to the creditor the amount of such debt or claim, every person who was a member of the company at the date of the registration of the order and minute relating to the reduction of the capital of the company, shall be liable to contribute for the payment of such debt or claim an amount not exceeding the amount which he would have been liable to contribute if the company had commenced to be wound up on the day prior to such registration, and on the company being wound up, the Court on the application of such creditor, and on proof that he was ignorant of the proceedings taken with a view to the reduction, or of their nature and effect with respect to his claim, may, if it think fit, settle a list of such contributories accordingly, and make and enforce calls and orders on the contributories settled on such list in the same manner in all respects as if they were ordinary contributories in a winding up; but the provisions of this section shall not affect the rights of the contributories of the company among themselves.

18. *Copy of registered minute.*] A minute when registered shall be embodied in every copy of the memorandum of association issued after its registration; and if any company makes default in complying with the provisions of this section it shall incur a penalty not exceeding £1 for each copy in respect of which such default is made, and every director and manager of the company who shall knowingly and wilfully authorise or permit such default shall incur the like penalty.

19. *Penalty on concealment of name of creditor.*] If any director, manager, or officer of the company wilfully conceals the name of any creditor of the company who is entitled to object to the proposed reduction, or wilfully misrepresents the nature or amount of the debt or claim of any creditor of the company, or if any director or manager of the company aids or abets in or is privy to any such concealment or misrepresentation as aforesaid, every such director, manager, or officer shall be guilty of a misdemeanour.

20. *Power to make rules extended to making rules concerning matters in this Act.*] The powers of making rules concerning winding-up conferred by the 170, 171, 172, 173 sections of the principal Act shall respectively extend to making rules concerning matters in which jurisdiction is by this Act given to the court which has the power of making an order to wind up a company, and until such rules are made the practice of the court in matters of the same nature shall, so far as the same is applicable, be followed.

Sub-division of Shares.

21. *Shares may be divided into shares of smaller amount.*] Any company limited by shares may by special resolution so far modify the conditions contained in its memorandum of association, if authorised so to do by its regulations as originally framed or as altered by special resolution, as by subdivision of its existing shares or any of them, to divide its capital, or any part thereof, into shares of smaller amount than is fixed by its memorandum of association.

Provided, that in the subdivision of the existing shares the proportion between the amount which is paid and the amount (if any) which is unpaid on each share of reduced amount shall be the same as it was in the case of the existing share or shares from which the share of reduced amount is derived.

22. *Special resolution to be embodied in memorandum of Association.* The statement of the number and amount of the shares into which the capital of the company is divided contained in every copy of the memorandum of association issued after the passing of any such special resolution shall be in accordance with such resolution; and any company which makes default in complying with the provisions of this section shall incur a penalty not exceeding one pound for each copy in respect of which such default is made; and every director and manager of the company who knowingly or wilfully authorises or permits such default shall incur the like penalty.

Associations not for Profit.

23. *Special provisions as to associations formed for purposes not of gain.*] Whereas any association is about to be formed under the principal Act as a limited company, if it proves to the Board of Trade that it is formed for the purpose of promoting commerce, art, science, religion, charity, or any other useful object, and that it is the intention of such association to apply the profits, if any, or other income of the Association, in promoting its objects and to prohibit the payment of any dividend to the members of the association, the Board of Trade may by licence, under the hand of one of the secretaries or assistant secretaries, direct such association to be registered with limited liability, without the addition of the word limited to its name, and such association may be registered accordingly, and upon registration shall enjoy all the privileges and be subject to the obligations by this Act imposed on limited companies, with the exceptions that none of the provisions of this Act that require a limited company to use the word limited as any part of its name, or to publish its name, or to send a lists of its members, directors, or managers to the registrar, shall apply to an association so registered.

The licence by the Board of Trade may be granted upon such conditions and subject to such regulations as the Board think fit to impose, and such conditions and regulations shall be binding on the association, and may, at the option of the said board, be inserted in the memorandum and articles of association, or in both or one of such documents.

Calls upon shares.

24. *Company may have some shares fully paid and others not.*] Nothing contained in the principal Act shall be deemed to prevent any company under that Act, if authorised by its regulations as originally framed or as altered by special resolution, from doing any one or more of the following things; namely,—

(1.) Making arrangements on the issue of shares for a difference between the holders of such shares in the amount of calls to be paid, and in the time of payment of such calls:

(2.) Accepting from any member of the company who assents thereto the whole or a part of the amount remaining unpaid on any share or shares held by him, either in discharge of the amount of a call payable in respect of any other share or shares held by him or without any call having been made:

(3.) Paying dividend in proportion to the amount paid up on each share in cases where a larger amount is paid up on some shares than on others.

25. *Manner in which shares are issued.*] Every share in any company shall be deemed and taken to have been issued and to be held subject to the payment of the whole amount thereof in cash, unless the same shall have been otherwise determined by a contract duly made in writing, and filed with the Registrar of Joint-Stock Companies at or before the issue of such shares.

Transfer of Shares.

26. *Transfer may be registered at request of transferor.*] A company shall, on the application of the transferor of any share or interest in the company, enter in its register of members the name of the transferee of such share or interest, in the same manner and subject to the same conditions as if the application for such entry were made by the transferee.

Share Warrants to Bearer.

27. *Warrant of limited shares fully paid up may be issued in name of bearer.*] In the case of a company limited by shares, the company, if authorised so to do by its regulations as originally framed or as altered by special resolution, and subject to the provisions of such regulations, may, with respect to any share which is fully paid up, or with respect to stock, issue under their common seal a warrant stating that the bearer of the warrant is entitled to the share or shares or stock therein specified, and may provide, by coupons or otherwise, for the payment of the future dividends on the share or shares or stock included in such warrant hereinafter referred to as a share warrant.

28. *Effect of share warrant.*] A share warrant shall entitle the bearer of such warrant to the shares or stock specified in it, and such shares or stock may be transferred by the delivery of the share warrant.

29. *Re-registration of bearer of a share warrant in the register.*] The bearer of a share warrant shall, subject to the regulations of the company, be entitled, on surrendering such warrant for cancellation, to have his name entered as a member in the register of members, and the company shall be responsible for any loss incurred by any person by reason of the company entering in its register of members the name of any bearer of a share warrant in respect of the shares or stock specified therein without the share warrant being surrendered and cancelled.

30. *Regulations of the company may make the bearer of a share warrant a member.*] The bearer of a share warrant may, if the regulations of the company so provide, be deemed to be a member of the company within the meaning of the principal Act, either to the full extent or for such purposes as may be prescribed by the regulations:

Provided that the bearer of a share warrant shall not be qualified in respect of the shares or stock specified in such warrant for being a director or manager of the company in cases where such a qualification is prescribed by the regulations of the company.

31. *Entries in register where share warrant issued.*] On the issue of a share warrant in respect of any share or stock, the company shall strike out of its register of members the name of the member then entered therein as holding such share or stock as if he had ceased to be a member, and shall enter in the register the following particulars:

(1.) The fact of the issue of the warrant:

(2.) A statement of the shares or stock included in the warrant, distinguishing each share by its number:

(3.) The date of the issue of the warrant:

And until the warrant is surrendered the above particulars shall be deemed to be the particulars which are required by the twenty-fifth section of the principal Act to be entered in the register of members of a company; and on the surrender of a warrant the date of such surrender shall be entered as if it were the date at which a person ceased to be a member.

32. *Particulars to be contained in annual summary.*] After the issue by the company of a share warrant the annual summary required by the twenty-sixth section of the principal Act shall contain the following particulars:—the total amount of shares or stock for which share warrants are outstanding at the date of the summary, and the total amount of share warrants which have been issued and surrendered respectively since the last summary was made, and the number of shares or amount of stock comprised in each warrant.

33. *Stamps on share warrants.*] There shall be charged on every share warrant a stamp duty of an amount equal to three times the amount of the *ad valorem* stamp duty which would be chargeable on a deed transferring the share or shares or stock specified in the warrant, if the consideration for the transfer were the nominal value of such share or shares or stock.

34. *Penalties on persons committing forgery.*] Whosoever forges or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any share warrant or coupon, or any document purporting to be a share warrant or coupon, issued in pursuance of this Act, or demands or endeavours to obtain or receive any share or interest or or in any company under the principal Act, or to receive any dividend or money payable in respect thereof, by virtue of any such forged or altered share warrant, coupon, or document, purporting as aforesaid, knowing the same to be forged or altered, with intent in any of the cases aforesaid to defraud, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than five years, or to be imprisoned for any term not exceeding two years with or without hard labour, and with or without solitary confinement.

35. *Penalties on persons falsely personating owner of shares.*—Whosoever falsely and deceitfully personates any owner of any share or interest of or in any company or of any share warrant or coupon issued in pursuance of this Act, and thereby obtain or endeavours to obtain any such share or interest, or share warrant or coupon, or receives or endeavours to receive any money due to any such owner, as if such offender were the true and lawful owner, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than five years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

36. *Penalties on persons engraving plates, &c.*] Whosoever, without lawful authority or excuse, the proof whereof shall be on the party accused, engraves or makes upon any plate, wood, stone, or other material, any share warrant or coupon, purporting to be a share warrant or coupon issued or made by any particular company under and in pursuance of this Act, or to be a blank share warrant or coupon issued or made as aforesaid, or to be a part of such a share warrant or coupon, or uses any such plate, wood, stone, or other material for the making or printing any such share warrant or coupon, or any part thereof respectively, or knowingly has in his custody or possession any such plate, wood, stone, or other material, shall be guilty of felony, and being convicted thereof shall be

liable, at the discretion of the Court, to be kept in penal servitude for any term *not* exceeding fourteen years and not less than five years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Contracts.

37. *Contracts how made.*] Contracts on behalf of any company under the principal Act may be made as follows (that is to say,)

(1.) Any contract which, if made between private persons, would be by law required to be in writing, and if made according to English law to be under seal, may be made on behalf of the company in writing under the common seal of the company, and such contract may be in the same manner varied or discharged:

(2.) Any contract which, if made between private persons, would be by law required to be in writing, and signed by the parties to be charged therewith, may be made on behalf of the company in writing signed by any person acting under the express or implied authority of the company, and such contract may in the same manner be varied or discharged:

(3.) Any contract which, if made between private persons, would by law be valid although made by parol only, and not reduced into writing, may be made by parol on behalf of the company by any person acting under the express or implied authority of the company, and such contract may in the same way be varied or discharged:

And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the company and their successors and all other parties thereto, their heirs, executors, or administrators as the case may be.

38. *Prospectus, &c. to specify dates and names of parties to any contract made prior to issue of such prospectus, &c.*] Every prospectus of a company, and every notice inviting persons to subscribe for shares in any joint stock company, shall specify the dates and names of the parties to any contract entered into by the company, or the promoters, directors, or trustees thereof, before the issue of such prospectus or notice, whether subject to adoption by the directors or the company or otherwise; and any prospectus or notice not specifying the same shall be deemed fraudulent on the part of the promoters, directors, and officers of the company knowingly issuing the same, as regards any person taking shares in the company on the faith of such prospectus, unless he shall have had notice of such contract.

Meetings.

39. *Company to hold meeting within four months after registration.*] Every company formed under the principal Act after the commencement of this Act shall hold a general meeting within four months after its memorandum of association is registered; and if such meeting is not held the company shall be liable to a penalty not exceeding £5 a-day for every day after the expiration of such four months until the meeting is held; and every director or manager of the company, and every subscriber of the memorandum of association, who knowingly authorises or permits such default, shall be liable to the same penalty.

Winding up.

40. *Contributory when not qualified to present winding-up petition.*] No contributory of a company under the principal Act shall be capable of presenting a petition for winding up such company unless the members of the company are reduced in number to less than seven, or unless the shares in respect of which he is a contributory, or some of them, either were originally allotted to him or have been held by him, and registered in his name, for a period of at least six months during the eighteen months previously to the commencement of the winding up, or have devolved upon him through the death of a former holder:

Provided that where a share has during the whole or any part of the six months been held by or registered in the name of the wife of a contributory either before or after her marriage, or by or in the name of any trustee or trustees for such wife, or for the contributory, such share shall for the purposes of this section be deemed to have been held by and registered in the name of the contributory.

41. *Winding-up may be referred to County Court.*] Where the High Court of Chancery in England makes an order for winding-up a company under the Principal Act, it may, if it thinks fit, direct all subsequent proceedings to be had in a County Court held under the Act of Session of the ninth and tenth years of the reign of her present Majesty, chapter 95, and the Acts amending the same; and thereupon such County Court shall, for the purpose of winding-up the company, be deemed to be "the Court" within the meaning of the Principal Act, and shall have, for the purposes of such winding-up, all the jurisdiction and powers of the High Court of Chancery.

42. *As to transfer of suit from one County Court to another.*] If during the progress of a winding-up it is made to appear to the High Court of Chancery that the same could be more conveniently prosecuted in any other county court, it shall be competent for the High Court of Chancery to transfer the same to such other county court, and thereupon the winding-up shall proceed in such other county court.

43. *Parties aggrieved may appeal.*] If any party in a winding up under this Act is dissatisfied with the determination or direction of a judge of a county court on any matter in such winding up, such party may appeal from the same to the Vice-Chancellor named for that purpose by the Lord Chancellor by general order: provided that such party shall, within thirty days after such determination or direction, give notice of such appeal to the other party or his attorney, and also deposit with the registrar of the county court the sum of £10 as a security for the costs of the appeal; and the said Court of appeal may make such final decree or other order as it thinks fit, and may also make such order with respect to the costs of the said appeal as such court may think proper, and such orders shall be final.

44. *Powers to frame rules and orders under s.* 32 *of* 19 & 20 *Vict. c.* 108.] The county court judges appointed or to be appointed by the Lord Chancellor from time to time to frame rules and orders for regulating the practice of the courts, and forms of proceedings therein, under the 32nd section of 19 & 20 Vict. c. 108, shall frame the rules and orders for regulating the practice of the county courts under this Act, and forms of proceedings therein, and from time to time may amend such rules, orders, and forms, and such rules, orders, and forms, or amended rules, orders, and forms, certified under the hands of such judges, or of any three or more of them, shall be submitted to the Lord Chancellor, who may allow or disallow or alter the same, and so from time to time; and the rules, orders, and forms, or amended rules, orders, and forms, so allowed or altered, shall from a day to be named by the Lord Chancellor, be in force in every county court.

45. *Scale of costs to be framed by the judges.*] The county court judges mentioned in the last section shall be empowered to frame a scale of costs and charges to be paid to counsel and attorneys with respect to all proceedings in a winding-up under this Act, and from time to time to amend such scale; and such scale or amended scale, certified under the hands of such judges or any three or more of them, shall be submitted to the Lord Chancellor, who from time to time may allow or disallow or alter the same; and the scale or amended scale so amended or altered shall, from a day to be named by the Lord Chancellor, be in force in every county court.

46. *Remuneration of registrars and high bailiffs in winding-up of companies.*] The registrars and high bailiffs of the county courts shall be remunerated for the duties to be performed by them under this Act, by receiving, for their own use, such fees as may be from time to time authorised to be taken by any orders to be made by the Commissioners of the Treasury, with the consent of the Lord Chancellor; and the Commissioners of the Treasury are hereby authorised and empowered, with such consent as aforesaid, from time to time to make such orders: provided that it shall be lawful for the said commissioners, with the like consent as aforesaid, by an order to direct that after the date named in the order any registrar or high bailiff shall, in lieu of receiving such fees, be paid such fixed or fluctuating allowance as may in each case be thought just, and after such date the said fees shall be accounted for and paid over by such registrar or high bailiff in such manner as may be directed in the order.

Saving.

47. *Not to exempt companies from provisions of* 25 & 26

Vict. c. 89, s. 196.] Nothing in this Act contained shall exempt any company from the second or third provisions of the 196th section of the principal Act restraining the alteration of any provision in any Act of Parliament or Charter.

CAP. CXXXII.

An Act to remove Doubts as to the Power of Trustees, Executors, and Administrators to invest Trust Funds in certain Securities, and to declare and amend the Law relating to such Investments.

[20th August, 1867.

"Whereas by an Act passed in the session holden in the 22 & 23 Vic. c. 35, 'to further amend the law of property, and to relieve trustees,' it is enacted, that when a trustee, executor, or administrator shall not by some instruments creating his trust be expressly forbidden to invest any trust fund on real securities in any part of the United Kingdom, or on the stock of the Bank of England or Ireland, or on East India stock, it shall be lawful for such trustee, executor, or administrator to invest such trust fund on such securities or stock, and he shall not be liable on that account as for a breach of trust, provided that such investment shall in other respects be reasonable and proper:

And whereas doubts have arisen as to the legal effect and signification of the words "East India Stock" in the said Act mentioned:

Be it therefore enacted, &c.:

1. *Application of the term "East India Stock" in recited Act.*] The words "East India Stock" in the said Act 22 & 23 Vict. c. 35, shall include and express as well the East India Stock which existed previously to the 13th August, 1859, when the said Act received the assent of her Majesty, as East India Stock charged on the revenues of India, and created under and by virtue of any Act or Acts of Parliament which received her Majesty's assent on or after the 13th August, 1859, and it shall be lawful for every trustee, executor, or administrator to invest any trust fund in his possession or under his control in the stock created by the last-mentioned Act or Acts, to the same extent, and for the same purposes and objects, as he can now invest such trust fund in the East India Stock which existed previously to the 13th August, 1859.

2. *Trustees may invest in any securities the interest whereon is guaranteed by Parliament.*] It shall be lawful for every trustee, executor, or administrator to invest any trust fund in his possession or under his control in any securities the interest of which is or shall be guaranteed by Parliament to the same extent and in the same manner as he may invest such trust fund in such securities as aforesaid.

CAP. CXXXIII.

An Act relating to the Consecration of Churchyards.

[20th August, 1867.

CAP. CXXXIV.

An Act for regulating the Traffic in the Metropolis, and for making Provision for the greater Security of Persons passing through the Streets, and for other purposes. [20th August, 1867.

CAP. CXXXV.

An Act for the Establishment of a Table of Fees to be taken on the Consecration of Churches, Chapels, and Burial Grounds, on the Ordination of Deacons and Priests, and on visitations. [20th August, 1867.

CAP. CXXXVI.

An Act to enable the Courts of Referees to administer Oaths and award Costs in certain Cases, in the same Manner as Committees on Private Bills.

[20th August, 1867.

CAP. CXXXVII.

An Act to validate certain Orders made by the Lord Lieutenant in Council under the Church Temporalities Acts in Ireland, and to increase the Stipends payable by the Ecclesiastical Commissioners for Ireland to certain incumbents in Ireland.

CAP. CXXXVIII.

An Act to authorize the Extension of the period for Repayment of Advances made under the Railway Companies (Ireland) Temporary Advances Act, 1866.

[20th August, 1867.

CAP. CXXXIX.

An Act to confirm Provisional Orders for the Q[illegible]ugh and Parsonstown Drainage Districts respectively.

[20th August, 1867.

CAP. CXL.

An Act to authorise a Sale or Lease of the Royal Military Canal and its collateral Works; and for other purposes. [20th August, 1867.

CAP. CXLI.

An Act to amend the Statute Law as between Master and Servant. [20th August, 1867.

"Whereas it is expedient to alter in some respects the existing enactments relative to the determination of questions arising between employers and employed under contracts of service:"

Be it therefore enacted, &c.

1. *Short title.*] "Master and Servant Act, 1867."

2. *Definition of terms.*] In this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be anything in the subject or context repugnant to such construction:

The word "employer" shall include any person, firm, corporation, or company who has entered into a contract of service with any servant, workman, artificer, labourer, apprentice, or other person, and the steward, agent, bailiff, foreman, manager, or factor of such person, firm, corporation, or company:

The word "employed" shall include any servant, workman, artificer, labourer, apprentice, or other person, whether under the age of 21 years or above that age, who has entered into a contract of service with any employer:

The words "contract of service" shall include any contract, whether in writing or by *parol*, to serve for any period of time, or to execute any work, and any indenture or contract of apprenticeship, whether such contract or indenture has been or is made or executed before or after passing of this Act:

The word "parties" shall include the employer and employed under any contract of service:

The word "writing" shall include "printing:"

The word "property" shall include all real and personal estate and effects used and employed under or affected by any contract of service or operations under the same:

The word "sheriff" applies to Scotland only, and shall include sheriff substitute:

The words "county or place" shall include county, riding, division, liberty, city, borough, or place:

The word "magistrate" does not apply to Scotland, and means in England, except in the city of London, a stipendiary magistrate, and in the city of London means the Lord Mayor or an alderman sitting at the Mansion House or at the Guildhall, and in Ireland shall apply only to the Metropolitan Police District of Dublin, and there shall mean one of the divisional magistrates for such district:

The word "justice" means justice of the peace:

The words "two justices" mean two or more justices assembled and acting together:

The words "justice," "two justices," "magistrate," and "sheriff" respectively mean a justice, two justices, a magistrate, and a sheriff having a jurisdiction in the county or place where any contract of service is according to the terms thereof, to be executed, or where the party against whom any information, complaint, or proceeding is to be laid or taken under this Act happens to be.

3. *Limitation of scope of this Act and substitution thereof for existing enactments.*] Nothing in this Act shall apply to any contract of service other than a contract within the meaning of the enactments described in the first schedule

to this Act, or some or one of them, or to any employer or employed other than the parties to a contract of service to which this Act applies as aforesaid, or to any case, matter, or thing arising under or relating to any contract of service, or arising between employer and employed, other than cases, matters, and things to which the said enactments respectively apply; and in respect of all contracts of service, employers, employed, cases, matters, and things to which this Act applies, the respective provisions of this Act shall be deemed to be and are hereby substituted for such of the said enactments, or so much or such parts of the same, as would have applied thereto if this Act had not been passed; but any proceedings at the passing of this Act pending under the said enactments, or any of them, may be continued and prosecuted as if this Act had not been passed.

4. *Complaint to be made before a justice or magistrate in England, Wales, and Ireland, and before a justice or sheriff in Scotland. Upon complaint under summonses or citations to be issued.*] Wherever the employer or employed shall neglect or refuse to fulfil any contract of service, or the employed shall neglect or refuse to enter or commence his service according to the contract, or shall absent himself from his service, or wherever any question, difference, or dispute shall arise as to the rights or liabilities of either of the parties, or touching any misusage, misdemeanor, misconduct, ill-treatment, or injury to the person or property of either of the parties under any contract of service, the party feeling aggrieved may lay an information or complaint in writing before a justice, magistrate, or sheriff, setting forth the grounds of complaint, and the amount of compensation, damage, or other remedy claimed for the breach of non-performance of such contract, or for any such misusage, misdemeanor, misconduct, illtreatment, or injury to the person or property of the party so complaining; and upon such information or complaint being laid, the justice, magistrate, or sheriff shall issue or cause to be issued a summons or citation to the party so complained against, setting out the grounds of complaint, and the amount claimed for compensation, damage, or other remedy, as set forth in the said information or complaint, and requiring such party to appear, at the time and place therein appointed, before two justices, or before a magistrate, or before a sheriff, to answer the matter of the information or complaint, so that the same may be then and there heard and determined.

5. *Time for appearance.*] The time to be appointed in the summons or citation for the appearance of the party complained against shall not be less than two or more than eight days from the date of the summons or citation, save that where the appearance is to be before justices in petty sessions, or before a magistrate at a police court, the time to be appointed shall be that of the sitting of the Court of Petty Sessions or police court at or for the place where the summons or citation is returnable, to be held next after such two days (whether within such eight days or not).

6. *Mode and time of service.*] Every such summons or citation shall be served on the party complained against by being delivered to him or left at his place of abode or business not less than two days before the time appointed for his appearance.

7. *On neglect or refusal to obey summons or citation, warrant to issue.*] Wherever the party complained against shall neglect or refuse to appear to any summons or citation as aforesaid according to the provisions of this Act, a justice, magistrate, or sheriff may, after due proof on oath of the service of such summons or citation, issue a warrant for the apprehension of such party in order to the hearing and determining of the matter of the information or complaint.

8. *In case of intention to abscond, security to be found for appearance.*] If at any time after the laying of the information or complaint it appears to a justice, magistrate, or sheriff that the party complained against is about to abscond, the justice, magistrate, or sheriff may issue a summons or citation requiring the party complained against to appear before a justice, magistrate, or sheriff at a time and place therein appointed (such time being not later than twenty-four hours, exclusive of Sunday, from the date of the last-mentioned summons or citation), and to find good and sufficient security by recognizance or bond, with or without sureties, to the satisfaction of a justice, magistrate, or sheriff, for his appearance to answer the information or complaint; and if the party complained against fails to appear at the time and place so appointed, a justice, magistrate, or sheriff may issue a warrant for his apprehension; and if such party on appearing to the last-mentioned summons or citation, or on being so apprehended, fails so to find security, a justice, magistrate, or sheriff may order him to be detained in safe custody until the hearing of the information or complaint; but on his so finding security he shall be set at liberty.

9. *Compensation may be awarded under order of two justices &c., for breach or non-performance of contract of service or other order may be made.*] Upon the hearing of any information or complaint under the provisions of this Act two justices, or the magistrate or sheriff, after due examination, and upon the proof and establishment of the matter of such information or complaint, by an order in writing under their respective hands, in their or his discretion, as the justice of the case requires, either shall make an abatement of the whole or part of any wages then already due to the employed, or else shall direct the fulfilment of the contract of service, with a direction to the party complained against to find forthwith good and sufficient security, by recognisance or bond, with or without sureties, to the satisfaction of a justice, magistrate, or sheriff, for the fulfilment of such contract, or else shall annul the contract, discharging the parties from the same, and apportioning the amount of wages due up to the completed period of such contract, or else where no amount of compensation or damage can be assessed, or where pecuniary compensation will not in the opinion of the justices, magistrate, or sheriff meet the circumstances of the case, shall impose a fine upon the party complained against, not exceeding in amount the sum of twenty pounds, or else shall assess and determine the amount of compensation or damage, together with the costs, to be made to the party complaining, inclusive of the amount of any wages abated, and direct the same to be paid accordingly; and if the order shall direct the fulfilment of the contract, and direct the party complained against to find good and sufficient security as aforesaid, and the party complained against neglect or refuse to comply with such order, a justice, magistrate, or sheriff may, if he shall think fit, by warrant under his hand, commit such party to the common gaol or house of correction within his jurisdiction, there to be confined and kept until he shall so find security, but nevertheless so that the term of imprisonment, whether under one or several successive committals, shall not exceed in the whole the period of three months: provided always, that the two justices, magistrate, or sheriff may, if they or he think fit, assess and determine the amount of compensation or damage to be paid to the party complaining, and direct the same to be paid whether the contract is ordered by them or him to be annulled or not, or, in addition to the annulling of the contract of service and discharge of the parties from the same, may, if they or he think fit, impose the fine as hereinbefore authorized, but they or he shall not under the powers of this Act be authorized to annul, nor shall any provisions of this Act have the effect of annulling, any indenture or contract of apprenticeship that they or he might not have annulled or that would not have been annulled if this Act had not been passed.

10. *Enforcement of recognizance or bond for fulfilment of contract.*] Where it is alleged by any party to a contract of service that the condition of a recognizance or a bond entered into or given for the fulfilment of the contract under the provisions of this Act has not been performed, two justices, or a magistrate or sheriff, being satisfied thereof, after hearing the parties and the sureties (if any), or in the absence of any party or surety not appearing after summons or citation in that behalf, may order that the recognizance or bond be enforced for the whole or part of the sum thereby secured, as to the justices, magistrate, or sheriff seems fit; and the sum for which the same is so ordered to be enforced shall be recoverable accordingly in a summary manner under the Acts described in the second schedule to this Act.

11. *Recovery of money by distress or poinding, and imprisonment in default.*] Where on the hearing of an information or complaint under this Act an order is made for the payment of money, and the same is not paid as directed, the same shall be recovered by distress or poinding of the goods and chattels of the party failing to pay, and in default thereof by imprisonment of such party, according and subject to the Acts described in the second schedule to this Act; but no such imprisonment shall be for more than three months, or be with hard labour.

12. *Imprisonment to be in discharge of compensation. Wages exempt from order, distraint, poinding, or arrestment.*] From and after the expiration of the term of any such imprisonment as aforesaid, the amount of fine, compensation, or damages, together with the costs, so assessed and directed to be paid by any such order as aforesaid, shall be deemed and considered as liquidated and discharged, and such order shall be annulled accordingly, and the said parties exonerated from their respective obligations under the same: Provided always that no wages or any portion thereof which may be accruing due to the employed under any contract of service after the date of such order shall be assessed to the amount of compensation or damages and costs directed to to be paid by him under any such order or warrant of distress or poinding, or be seizable or arrestable under the same.

13. *Application of fines and money recovered.*] Where justices, or a magistrate or sheriff, impose any fine or enforce any sum secured by a recognizance or bond under this Act, they or he may, if they or he think fit, direct that a part, not exceeding one-half, of such fine or sum, when recovered, be applied to compensate an employer or employed for any wrong or damage sustained by him by reason of the act or thing in respect of which the fine was imposed, or by reason of the nonfulfilment of the contract of service.

14. *Punishment for aggravated misconduct, &c.*] Where on the hearing of an information of complaint under this Act it appears to the justices, magistrate, or sheriff that an injury inflicted on the person or property of the party complaining, or the misconduct, misdemeanor, or ill-treatment complained of, has been of an aggravated character, and that such injury, misconduct, misdemeanour, or ill-treatment has not arisen or been committed in the *bona fide* exercise of a legal right existing, or *bonâ fide* and reasonably supposed to exist, and further, that any pecuniary compensation or other remedy by this Act provided will not meet the circumstances of the case, then the justices, magistrate, or sheriff may, by warrant, commit the party complained against to the common gaol or house of correction within their or his jurisdiction, there to be (in the discretion of the justices, magistrate, or sheriff), imprisoned with or without hard labour, for any term not exceeding three months.

15. *Party convicted may appeal to the next general quarter sessions of the peace.*] Any party convicted by two justices or the magistrate under the provisions of the last preceding section may appeal against the conviction on finding good and sufficient security, by recognisance or bond, with or without sureties, to the satisfaction of a justice or magistrate, to prosecute the said appeal at the next general court of quarter sessions of the peace to be holden in and for the county or place wherein such conviction shall have been made, and to abide the result of the said appeal according to the usual procedure of such court, and to pay such costs as that Court may direct, which costs that court is hereby empowered to award.

16. *Parties to the contract of service to be competent witnesses.*] Upon the hearing and determing of any information or complaint between employer and employed, and on any appeal, under the provisions of this Act, the respective parties to the contract of service, their husbands or wives, shall be deemed and considered as competent witnesses for all the purposes of this Act.

17. *Wages not to be payable during imprisonment.*] No wages shall become payable to or recoverable by any party for or during the term of his imprisonment under any warrant of committal under this Act.

18. *Nothing to prevent proceedings by civil action or suit.*] Nothing in this Act shall prevent employer or employed from enforcing their respective civil rights and remedies for any breach or non-performance of the contract of service by any action or suit in the ordinary courts of law or equity in any case where proceedings are not instituted under this Act; nor shall anything in this Act affect the provisions of the Act of the 5 Geo. 4, c. 96, "to consolidate and amend the laws relative to the arbitration of disputes between masters and workmen," or of any Act extending or amending the same.

19. *Saving for indictment, &c.*] Nothing in this Act shall interfere with the usual and accustomed mode of procedure in any court of criminal judicature for the trial of indictable offences relating to wilful and malicious injuries to persons or property committed by masters, workmen, servants, or others, either at Common Law or under the several statutes made and now in force for the punishment of such offences, but so that no person be twice prosecuted for the same offence.

20. *No objection to be taken for defect in forms.*] The several forms in the third schedule to this Act contained, or forms to the like effect, shall be deemed valid and sufficient in law, and no objection shall be taken or allowed for any alleged defect therein, either in substance or in form, and in Scotland any complaint under the provisions of this Act, if brought before the sheriff, may be in the form of a summary petition, and followed by the usual forms of procedure applicable to summary petitions in the Sheriff Court; and the forms set forth in the third schedule (Part 2—Scotland) to this Act annexed, or forms to the like effect, may be used, and shall be sufficient for the purposes thereof.

21. *Application of summary Procedure Acts.*] The enactments described in the second schedule to this Act, and all enactments extending or amending the same, shall apply and be put in force to and in respect of proceedings under this Act, except as far as any provision of this Act is inconsistent therewith.

22. *Orders under Act final.*] Except as in this Act expressly otherwise provided, every order or determination of a justice, justices, a magistrate, or a sheriff, shall be final and conclusive, notwithstanding anything in any of the enactments described in the first schedule to this Act.

23. *Restriction on certiorari.*] No writ of certiorari or other process shall issue to remove any proceedings under this Act into any superior court.

24. *Saving for special jurisdictions.*] Nothing in this Act shall take away or abridge any local or special jurisdiction touching apprentices.

25. *Provision as to Ireland.*] Nothing in this Act shall extend or make applicable to or in Ireland, or to or in any part of Great Britain, any of the enactments described in the first schedule to this Act not in force there independently of this Act.

26. *Duration of Act.*] This Act shall continue in force until the expiration of one year after the passing thereof, and to the end of the then next session of Parliament, and no longer.

SCHEDULES.

THE FIRST SCHEDULE.

Enactments referred to.

7 Geo. 1, stat. 1, c. 13, ss. 4, 6.	39 & 40 Geo. 3, c. 77, s. 8.
9 Geo. 1, c. 27, s. 4.	59 Geo. 3, c. 92, ss. 5, 6.
13 Geo. 2, c. 8, ss. 7, 8.	4 Geo. 4, c. 29.
20 Geo. 2, c. 19.	4 Geo. 4, c. 34.
27 Geo. 2, c. 6.	10 Geo. 4, c. 52.
31 Geo. 2, c. 11, s. 3.	5 & 6 Vict. c. 7.
6 Geo. 3, c. 25.	6 & 7 Vict. c. 40, s. 7.
17 Geo. 3, c. 56, ss. 8, 19.	14 & 15 Vict. c. 92, s. 13.
33 Geo. 3, c. 55, ss. 1, 2.	

THE SECOND SCHEDULE.

Summary Procedure Acts Applied.

England—11 & 12 Vict. c. 43. 28 & 29 Vict. c. 127.
Scotland—27 & 28 Vict. c. 53.
Ireland—14 & 15 Vict. c. 93.

THE THIRD SCHEDULE.

Forms.

CAP. CXLII.

An Act to amend the Acts relating to the Jurisdiction of the County Courts. [20th August, 1867.

"Whereas it is desirable to amend the Acts relating to the jurisdiction of the county courts:"

Be it enacted, &c.

1. *Where summons may issue.*] A plaint may be entered in the county court within the district of which the defendant or one of the defendants shall dwell or carry on his business at the time of bringing the action or suit, or it may be entered, by leave of the judge or registrar, in the county court within the district of which the defendant or one of the

defendants dwelt or carried on business, at any time within six calendar months next before the time of action or suit brought, or, with the like leave, in the county court in the district of which the cause of action or suit wholly or in part arose.

2. *In certain actions in county courts plaintiff may issue summons, and if defendant shall not give notice of intention to defend, judgment may be entered up.*] In any action brought in a county court for the price or value of goods or chattels which or some part of which were sold and delivered to the defendant to be dealt with in the way of his trade, profession, or calling, the plaintiff may, at his option, cause to be issued a summons in the ordinary form, or (upon filing an affidavit to the effect set forth in the form given in the schedule (A.) to this Act) in the form contained in the schedule (B.) to this Act, and if such last-mentioned summons be issued it shall be personally served on the defendant by the bailiff of the court, or, at the option of, the plaintiff, by the plaintiff, his attorney, or by some clerk or servant in the permanent employ of the plaintiff or his attorney, twelve clear days at the least before the return day thereof, and then if the defendant shall not, at least six clear days before such return day, give notice in writing, signed by himself, his attorney or agent, to the registrar of the court from which the summons issued, of his intention to defend, the plaintiff may, within two months after such return day, without giving any proof of his claim, have, upon proof by affidavit of the service of the summons, judgment entered up against the defendant for the amount of his claim and costs, such costs to be taxed by the registrar; and the order upon such judgment shall be for payment forthwith, or at such time or times, and by such instalments, if any, as the plaintiff, or his attorney or agent, shall in writing have consented to take at the time of the entry of the plaint, provided that where the defendant shall give such notice as above specified, the action shall be heard in the ordinary course, but in any event the registrar shall, immediately after the last day for giving such notice, send a letter to the plaintiff by post, stating therein whether the defendant has or has not given notice of his intention to defend.

3. *Proceedings commenced in a Metropolitan county court to be continued therein if defendant resides in the districts of one of such courts.*] Where an action is brought in any of the county courts mentioned in the section numbered 18, of the Act passed in 19 & 20 Vict. c. 108, all subsequent proceedings in such action shall be taken and had in such court if the party against whom the proceeding is taken or had shall reside or carry on business within the district of any of such courts within the City of London. An action may be commenced, and all subsequent proceedings taken and had, in the court held under the provisions of "The London (City) Small Debts Extension Act, 1852," by a plaintiff residing or carrying on business within the City of London, against a defendant who resides or carries on business within the district of any of such courts; and an action may be commenced, and all subsequent proceedings taken and had, in any of such county courts by a plaintiff residing or carrying on business within the district of any such county court, against a defendant who resides or carries on business within the City of London.

4. *No action for beer, &c., consumed on the premises to be brought.*] No action shall henceforth be brought or be maintainable in any court to recover any debt [or sum of money alleged to be due in respect of the sale of any ale, porter, beer, cider, or perry, which after the commencement of this Act was consumed on the premises where sold or supplied, or in respect of any money or goods lent or supplied, or of any security given, for, in, or towards the obtaining of any such ale, porter, beer, cider, or perry.

5. *Costs not recoverable in superior courts where less than £20 on contract or £10 on tort.*] If in any action commenced after the passing of this Act in any of Her Majesty's superior courts of record the plaintiff shall recover a sum not exceeding £20 if the action is founded on contract, or £10 if founded on tort, whether by verdict, judgment by default, or on demurrer, or otherwise, he shall not be entitled to any costs of suit unless the judge certify on the record that there was sufficient reason for bringing such action in such superior court, or unless the court or a judge at chambers shall by rule or order allow such costs.

6. *Repeal of s. 17. of 3 & 4 W. 4, c. 42, authorizing the trial of issues before a sheriff where sum claimed does not exceed £20.*

7. *In certain cases judge of superior courts may order cause to be tried in county court.*] Where in any action of contract brought or commenced in any of Her Majesty's superior courts of common law the claim endorsed on the writ does not exceed £50 or where such claim, though it originally exceeded £50 is reduced by payment, an admitted set-off, or otherwise, to a sum not exceeding £50 it shall be lawful for the defendant in the action, within 8 days from the day upon which the writ shall have been served upon him, if the whole or part of the demand of the plaintiff be contested, to apply to a judge at chambers for a summons to the plaintiff to show cause why such action should not be tried in the county court or one of the county courts in which the action might have been commenced; and on the hearing of such summons the judge shall, unless there be good cause to the contrary, order such action to be tried accordingly, and thereupon the plaintiff shall lodge the original writ and the order with the registrar of the county court mentioned in the order, who shall appoint a day for the hearing of the cause, notice whereof shall be sent by post or otherwise by the registrar to both parties or their attorneys, and the cause and all proceedings therein shall be heard and taken in such county court as if the action had been originally commenced in such county court; and the costs of the parties in respect of proceedings subsequent to the order of the judge of the superior court shall be allowed according to the scale of costs in use in the county courts, and the costs of the proceedings previously had in the superior court shall be allowed according to the scale in use in such latter court.

8. *Proceedings in equity may be transferred to county courts which might have commenced therein.*] Where any suit or proceeding shall be pending in the high court of chancery, which suit or proceeding might have been commenced in a county court, it shall be lawful for any of the parties thereto to apply at chambers to the judge to whose court the said suit or proceeding shall be attached to have the same transferred to the county court or one of the county courts in whice the same might have been commenced, and such judge shall have power upon such application, or without such application, if he shall see fit, to make an order for such transfer, and thereupon such suit or proceeding shall be carried on in the county court to which the same shall be ordered to be transferred, and the parties thereto shall have the same right of appeal that they would have had had the suit or proceeding been commenced in the county court.

9. *Suits in which jurisdiction under 28 & 29 Vict. c. 99, may be exercised.*] The jurisdiction which is given by the Act passed in the session holden in the 28 & 29 Vict. c. 99, intituled an Act to confer on the county courts a limited jurisdiction in equity, so far as relates to cases coming within the fourth head of the first section of the said Act, may, from and after the passing of this Act, be exercised in all suits for specific performance of or for the reforming, delivering up, or cancelling of any agreement for the sale, purchase, or lease of any property where, in the case of a sale or purchase, the purchase money, or in case of a lease the value of the property, shall not exceed £500.

10. *Actions for malicious prosecution, &c., brought in superior courts may be remitted to County Court by judge.*] It shall be lawful for any person against whom an action for malicious prosecution, illegal arrest, illegal distress, assault, false imprisonment, libel, slander, seduction, or other action of tort, may be brought in a superior court to make an affidavit that the plaintiff has no visible means of paying the costs of the defendant should a verdict be not found for the plaintiff, and thereupon a judge of the court in which the action is brought shall have power to make an order that unless the plaintiff shall, within a time to be therein mentioned, give full security for the defendant's costs to the satisfaction of one of the masters of the said court, or satisfy the judge that he has a cause of action fit to be prosecuted in the superior court, all proceedings in the action shall be stayed, or in the event of the plaintiff being unable or unwilling to give such security, or failing to satisfy the judge as aforesaid, that the cause be remitted for trial before a county court to be therein named; and thereupon the plaintiff shall lodge the original writ and the order with the registrar of such county court, who shall appoint a day for the hearing of the cause, notice whereof shall be sent by post or otherwise by the registrar to both parties or their attorneys; and the county court so named shall have all the same powers

and jurisdiction with respect to the cause as if both parties had agreed, by a memorandum signed by them, that the said county court should have power to try the said action, and the same had been commenced by plaint in the said county court; and the costs of the parties in respect of the proceeding subsequent to the order of the judges of the superior court shall be allowed according to the scale of costs in use in the county courts, and the costs of the proceedings in the superior court shall be allowed according to the scale in use in such latter court.

11. *When action of ejectment may be brought.*] All actions of ejectment where neither the value of the lands, tenements, or hereditaments, nor the rent payable in respect thereof, shall exceed the sum of £20 by the year, may be brought and prosecuted in the county court of the district in which the lands, tenements, or hereditaments are situate.

12. *Court may try cases where title comes in question where neither value nor rent of property exceeds* £20.] The county courts shall have jurisdiction to try any action in which the title to any corporeal or incorporeal hereditaments shall come in question where neither the value of the lands, tenements, or hereditaments in dispute, nor the rent payable in respect thereof, shall exceed the sum of £20 by the year, or in case of an easement or licence where neither the value nor reserved rent of the lands, tenements, or hereditaments in respect of which the easement or licence is claimed, or on, through, over, or under which such easement or licence is claimed, shall exceed the sum of £20 by the year: Provided that the defendant in any such action or ejectment, or his landlord, may, within one month from the day of service of the writ, apply to a judge at chambers for a summons to the plaintiff to show cause why such action should not be tried in one of the superior courts on the ground that the title to lands or hereditaments of greater annual value than £20 would be affected by the decision in such action; and on the hearing of such summons the judge, if satisfied that the title to other lands would be so affected, may order such action to be tried in one of the superior courts, and thereupon all proceedings in the county court in such action shall be discontinued.

13. *Appeal in actions of ejectment, &c., allowed in all actions in which it is not now allowed.*] An appeal from the decision of a county court on the same grounds and subject to the same conditions as are provided by section 14 of 13 & 14 Vict. c. 61, shall be allowed in all actions of ejectment, and in all actions in which the title to any corporeal or incorporeal hereditament shall have come in question, and, with the leave of the judge, an appeal shall be allowed in actions in which an appeal is not now allowed, if the judge shall think it reasonable and proper that such appeal should be allowed.

14. *Court may award costs where cause is struck out for want of jurisdiction.*] Whenever an action or suit is brought in a county court which the court has no jurisdiction to try, the judge shall order the cause to be struck out, and shall, unless the parties consent to the Court having jurisdiction to try the same, have power to award costs in the same manner, to the same extent, and recoverable in the same manner, as if the Court had jurisdiction in the matter of such plaint, and the plaintiff had not appeared, or had appeared, and failed to prove his demand.

15. *Scale of costs to be framed by the judges appointed under* 19 & 20 *Vict. c.* 108, *s.* 32, *or any three or more of them, and to be submitted to the Lord Chancellor.*

16. *Proceedings where defendant does not appear.*] If in any action founded on contract a defendant shall not appear at the hearing, either in person or by some person duly authorized on his behalf, and no sufficient excuse for the defendant's absence shall be shown, the registrar may, by leave of the judge, upon due proof of the service of the summons and of the debt being due and owing, enter up judgment for the plaintiff, and have the same power to make an order for payment by instalments, or to enter up judgment of nonsuit, or to strike out or adjourn the cause, as the judge of the county court has; and such judgment shall be as valid as if both parties had attended the court; but the judgment, and any execution thereon, may be set aside, and a new trial granted, upon such terms, if any, as the judge may think fit to require.

17. *Where defendant appears and admit the claim.*] Where a defendant appearing at the hearing either in person or by some person duly authorized to appear for him admits the claim, the registrar may, by leave of the judge, settle the terms and conditions upon which it is to be paid, and enter up judgment accordingly as a judgment of the Court.

18. *Approval of Commissioners of the Treasury substituted for approval of a Secretary of State in sections* 48 *and* 50 *of* 9 & 10 *Vict. c.* 95.

19. *Power given to a Secretary of State by s.* 56 *of* 9 & 10 *Vict. c.* 95, *to be exercised by Lord Chancellor in lieu of such secretary.*

20. *Judges to be auxiliary to one another, and deputy of judge or registrar to have all the powers of his principal.*] Any judge of county courts shall be capable of acting for any other judge of county courts in or without the district presided over by such judge, and the deputy of a judge of county courts or registrar, duly appointed, shall have all the powers and privileges and perform all the duties of the judge or registrar for whom he shall have been so appointed which have been given or shall be given to such judge or registrar by any Act passed or to be passed, anything to the contrary notwithstanding; and where, in the absence of a judge, a deputy of such judge shall, from illness or otherwise, be incapable of performing his duties as such deputy, it shall be lawful for the Lord Chancellor to appoint another person, duly qualified, to be the deputy of such judge.

21. *When registrars to have the powers of the officer whom they succeed.*] Every registrar who may be invested with the powers and authorities of a high bailiff under the provisions of "The County Courts Act, 1866," shall also be invested with the powers and authorities possessed by the high bailiff to the performance of whose duties he may succeed.

22. *Bailiffs to serve any process directed to be served by high bailiff.*] Every bailiff duly appointed by a high bailiff or a registrar may serve or execute any process which by any Act passed or to be passed is directed to be served or executed by a high bailiff, unless otherwise specially provided against therein.

23. *On death, resignation or removal, of a joint registrar survivor to be sole registrar, unless the Lord Chancellor otherwise order.*

24. *Trustees may pay trust monies or transfer stocks and securities into the court.*] Any monies, annuities, stocks, or securities vested in any persons as trustees, executors, administrators, or otherwise, upon trusts within the meaning of 10 & 11 Vict. c. 96, intituled an Act "for better securing trust funds, and for the relief of trustees," where the same do not exceed in amount or value the sum of £500, upon the filing by such trustees or other persons, or the major part of them, to or with the registrar of the county court within the district of which such persons or any of them shall reside, of an affidavit shortly describing the instrument creating the trust according to the best of their knowledge, may in the case of money be paid into a Post Office savings bank established in the town in which the county court is held in the name of the registrar of such court, in trust to attend the orders of the court, and upon such persons filing with the registrar the receipt or other document given to them by the officer of the said bank the registrar shall record the same, and give to them an acknowledgment in such form as may be directed by any rule of practice, which acknowledgement shall be a sufficient discharge to such persons for the money so paid, and in the case of stocks or securities may be transferred or deposited into or in the names of the treasurer and registrars of such court, in trust to attend the orders of the court, and the certificate of the proper officer of the transfer or deposit of such stocks or securities shall be a sufficient discharge to such persons for the stocks or securities so transferred or deposited; provided that where there is not a treasurer a person shall be nominated by rule of practice to whom the transfer or deposit in conjunction with the registrar may be made.

25. *Extension of powers given by* 12 & 13 *Vict. c.* [illegible] *to Court of Chancery to county courts.*] For the purposes of the last section all the powers and authorities given to the Court of Chancery by the Act 12 & 13 Vict. c. 74 "for the further relief of trustees," shall be possessed and

ercised by the county courts, and any order made by virtue of such powers and authorities shall fully protect and indemnify all persons acting under or in pursuance of such order.

26. *Monies paid into a county court in equitable proceedings may be invested in a post office savings bank.*] Any money paid into a county court in equitable proceedings shall, unless otherwise ordered by the Court, be invested by the registrar of the court in his name as registrar, within forty-eight hours of its payment into Court, in a post-office savings bank established in the town in which the Court is held, without restriction as to amount, and without the declaration required of a depositor in a savings bank; and no part of any money invested in a post office savings bank under this Act shall be paid out to any registrar except upon an authority addressed to the Postmaster General by the Commissioners of her Majesty's Treasury.

27. *Proceedings in equity may be commenced by summons.*] Any proceeding taken in the county courts under "The County Courts Act, 1865," conferring an equitable jurisdiction on such courts, may, if so directed by rules and orders to be made under such Act, be commenced by summons.

28. *No action or suit to be commenced in any Hundred or other inferior Court. Power to certain persons to make claim to compensation.*] From and after the passing of this Act no action or suit which can now be brought in any county court shall henceforth be commenced or be maintainable in any hundred or other inferior court not being a court of record, and every person who is legally entitled to any franchise or office in or in respect of any of the said courts, the value of which shall be diminished or taken away by the operation of this Act, shall be entitled to make a claim for compensation to the Commissioners of her Majesty's Treasury within twelve months after the passing of this Act; and the said Commissioners, in such manner as they shall think fit, may inquire what was the nature of the franchise or office, and what was the tenure thereof, and what were the lawful fees and emoluments in respect of which such compensation should be allowed; and the said commissioners in each case shall award such compensation as they shall think just, upon consideration of the special circumstances or each case: provided that if any person so compensated accepts any public employment, he shall, during the continuance of such employment, receive only so much (if any) of compensation as, with the remuneration for that employment, will equal such compensation; and the several compensations herein-before granted shall be paid out of monies to be voted by Parliament, and the Commissioners of her Majesty's Treasury of the said United Kingdom are hereby authorised to pay the same accordingly.

29. *Where action unnecessarily brought in an inferior court only county court costs to be allowed.*] Where any action or suit shall be brought in any other court than the superior courts of law which could have been brought in a county court, and the verdict recovered is for a less sum than ten pounds, the plaintiff shall not recover from the defendant a greater amount of costs than he would have been allowed if the action or suit had been brought in such county court, unless the judge shall certify that the action or suit was a fit one to be brought in such other court.

30. *Remuneration of registrars and high bailiffs in matters under this Act.*] The registrars and high bailiffs of the county courts shall be remunerated for the duties to be performed by them under the jurisdiction given to the Courts by this Act, by receiving for their own use such fees as may be from time to time authorised to be taken by any orders to be made by the Commissioners of the Treasury, with the consent of the Lord Chancellor; and the Commissioners of the Treasury are hereby authorised and empowered, with such consent as aforesaid, from time to time to make such orders: provided that it shall be lawful for the said Commissioners, with the like consent as aforesaid, to order that the registrars and high bailiffs shall, in lieu of receiving such fees, be paid such fixed or fluctuating allowances as may in each case be thought just; and from and after a day to be named in the order the said fees shall be accounted for, and paid over by such officers in such manner as may be therein directed.

31. *High bailiff may interplead where claims as to goods taken in execution are made.*] If any claim shall be made to or in respect of any goods or chattels taken in execution under the process of a county court, or in respect of the proceeds or value thereof, by any person, it shall be lawful for the registrar of the Court, upon application of the high bailiff, as well before as after any action brought against him, to issue a summons calling before the said Court as well the party issuing such process as the party making such claim, and the judge of the court shall adjudicate upon such claim, and make such order between the parties in respect thereof, and of the cost of the proceedings, as to him shall seem fit, and shall also adjudicate between such parties, or either of them, and the high bailiff with respect to any damage or claim of or to damages arising or capable of arising out of the execution of such process by the high bailiff, and make such order in respect thereof, and of the costs of the proceedings, as to him shall seem fit; and such orders shall be enforced in like manner as any order in any suit brought in such court, and shall be final and conclusive as between the parties, and as between them, or either of them, and the high bailiff, unless the decision of the Court shall be in either case appealed from, and upon the issue of the summons any action which shall have been brought in any court in respect of such claim, or of any damage arising out of the execution of such process, shall be stayed.

32. *City of London Court.* The section numbered twenty-six in "The County Courts Act, 1856," shall extend and apply to the City of London Court.

33. *Enactments in Schedule (C.) repealed.*

34. *This Act and other County Courts Acts to be construed together.*] This Act, and the several Acts specified in schedule (D.) to this Act, shall, except such provisions of the same Acts respectively as are hereby repealed, be construed together as one Act, and may be respectively cited for all purposes by the short titles respectively given to them in such schedule, and this Act may be cited for all purposes as "The County Courts Act, 1867."

35. *Meaning of the words "County Court" in this and future Acts, and shall include the City of London Court.*] The words "County Court," when used in this Act or in any future Act, shall mean a court holden by virtue of 9 & 10 Vict. c. 95, "for the more easy recovery of small debts and demands in England," and shall mean and include the courts held by virtue of "The London (City) Small Debts Extension Act, 1852," unless otherwise provided, and such courts shall be holden by the name of "The City of London Court," and shall be a court of record, and its decisions shall be subject to appeal in the same way and on the same conditions as the decisions of a county court are subject for the time being. The rules and orders in force for the time being for regulating the practice of and costs in the county courts, and forms of proceedings therein, shall be in force in "The City of London Court," to the exclusion of any rules and orders now in force in that court; and the same fees shall be taken for proceedings in which jurisdiction is hereby given to the Court as upon similar proceedings in the county courts, and such fees shall be applied in the same manner as the fees taken under the provisions of the said Act of 1852: provided that nothing in this Act, or in any of the Acts specified in schedule (D.) to this Act, shall take away, lessen, or diminish any of the powers, rights, or privileges of the judge of the said court, or the authority of the mayor, aldermen, and commons of the city of London in common council assembled in relation to such court, or to the judge or officers thereof, or to the fees taken therein, as such powers or authority existed previously to the passing of this Act.

36. *Commencement of Act.*] This Act shall come into operation on the first day of January next after the passing thereof.

SCHEDULES.

SCHEDULE (A.)

I, A.B. of, &c. [or Agent for C.D.] make oath and say, that E.F. is indebted to me [or to the said C.D.] in the sum of —— for —— And I further say, that the —— were sold and delivered to the said E.F., to be dealt with in the way of his trade of a ——.

A.B.

Sworn at, &c.

SCHEDULE (B.)

Summons to obtain Judgment by Default on Personal Service.

No. [of Plaint].
In the [Title of Court issuing Summons.]
[Seal.] Between A.B. Plaintiff,
and
C.D., Defendant.

[Name, description, and address of Defendant.]

Take notice, that, unless at least six clear days before the [day of appearance to summons] you return to the Registrar of this Court at [place of office] the notice given below, dated and signed by yourself, or your attorney or your agent, you will not afterwards be allowed to make any defence to the claim which [name, description, and address of plaintiff] makes on you, as per margin, the particulars of which are hereunto annexed; but the plaintiff may, without giving any proof in support of such claim, proceed to judgment and execution. If you return such notice to the registrar within the time specified, you must appear at a county court to be holden at ——, on the —— day —— of ——, 186—, at the hour of —— in the —— noon, to answer to the above claim, which will be heard on that day.

	£	s.	d.
Claim. . .	...	...	...
Fee for Plaint .	...	...	...
Attorney's Costs (where payable)	...	...	...
Total amount of debts and costs	...	...	...

Dated this —— day of ——, 186—.

Registrar of the Court.

See below.

Notice of Intention to defend or to object to the Jurisdiction of the Court.

No. [of Plaint.]
In the [Title of Court.]
A.B. *v.* C.D.

I intend to defend this cause [or to object to the jurisdiction of the Court] on the ground or grounds [here state the ground or grounds.]

Dated this —— day of ——, 186—.

* Defendant.

[*To be endorsed on the summons.*]

If you pay the debt and costs, as per margin on the other side, into the registrar's office, before the day of hearing, and without returning the notice of intention to defend, you will avoid further costs.

If you do not return the notice of intention to defend, but allow judgment against you by default, you will save half the hearing fee, and the order upon such judgment will be to pay the debt and costs forthwith [or by instalments, to be specified as in plaintiff's written consent].

If you admit a part only of the claim, you must return the notice of intention to defend within the specified time; and you may, by paying into the registrar's office the amount so admitted, together with costs proportionate to the amount you pay in, six clear days before the day of hearing, avoid further costs, unless the plaintiff at the hearing shall prove a claim against you exceeding the sum so paid.

If you intend to rely on a set-off, infancy, coverture, a statute of limitations, or a discharge under a bankrupt or insolvent Act, as a defence, you must, in addition to the notice of intention to defend, give to the registrar notice of such special defence six clear days before the day of hearing; and such last-mentioned notice must contain the particulars required by the rules of the court; and you must deliver to the registrar as many copies of such notice as there are plaintiffs, and an additional copy for the use of the Court. If your defence be a set-off, you must, with the notice thereof, also deliver to the registrar a statement of the particulars thereof. If your defence be a tender, you must pay into court, before or at the hearing, the amount tendered.

If you give such notice of intention to defend within the time specified, you may have the case tried by a jury, on giving notice in writing at the registrar's office, three clear days before the hearing, and on payment of 5s. for the use of such jury.

Summonses for witnesses and the production of documents may be obtained at the office of the registrar of this court.

Hours of attendance at the office of the registrar of this court at [place of office] from ten till four.

This summons must be served personally on the defendant twelve clear days before the day appointed for the hearing.

* Here must be signed the name of defendant, or of his attorney or agent, and in either of the last two cases the words "attorney for," or "agent for," must be added.

SCHEDULE (C.)

9 & 10 Vict. c. 95, ss. 60, 118, 128, & 129.	15 & 16 Vict. c. lxxvii. ss. 118–122.
13 & 14 Vict. c. 61, ss. 11 & 12.	19 & 20 Vict. c. 108, ss. 15 & 30.
15 & 16 Vict. c. 54, s. 4.	*23 & 24 Vict. c. 126, s. 3.*
28 & 29 Vict. c. 99.	

SCHEDULE (D.)

9 & 10 Vict. c. 95.	19 & 20 Vict. c. 108.
12 & 13 Vict. c. 101.	21 & 22 Vict. c. 74.
13 & 14 Vict. c. 61.	22 & 23 Vict. c. 57.
15 & 16 Vict. c. 54.	28 & 29 Vict. c. 99.
29 & 30 Vict. c. 14.	

CAP. CXLIII.

An Act to continue various expiring laws.

[20th August, 18[illegible]

CAP. CXLIV.

An Act to enable assignees of policies of Life Assurance to sue thereon in their own names.

[20th August, 18[illegible]

Whereas it is expedient to enable assignees of policies of life assurance to sue thereon in their own names.

Be it enacted, &c.—

1. *Assignees of life policies may sue in their own names.*

2. *Defence or reply on equitable grounds may be pleaded.*

3. *Notice of assignment to be given in writing to the company at their principal place of business, and date of its receipt to regulate priorities of claims under any assignment; bonâ fide payment before such receipt to be valid against assignee.*

4. *Principal places of business to be specified on policies issued after September 30th, 1867.*

5. *Assignment may be made by endorsement or separate instrument duly stamped.*

6. *Notices of assignment to be acknowledged by company at request of the giver or his executors or administrators, and payment of fee (not more than 5s.) Receipt of notice conclusive evidence against company if signed by de jure or de facto manager, secretary, or principal officer.*

7. *Interpretation of terms. "Policy," any instrument by which the payment of monies, by or out of the funds of an assurance company, on the happening of any contingency depending on the duration of human life, is assured or secured.*

"Assurance company," every corporation, association, society, or company now or hereafter carrying on the business of assuring lives or survivorships, either alone or in conjunction with any other object or objects.

8. *Not to apply to contracts under 16 & 17 Vict. c. 45, or 27 & 28 Vict. c. 43, or either of them, or to any engagement for payment on death by any friendly society.*

9. *Short title.*] "Policies of Assurance Act, 1867."

CAP. CXLV.

An Act for providing a further Sum towards defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of Dover and Portland.

[21st August, 18[illegible]

CAP. CXLVI.

An Act for regulating the Hours of Labour for Children, Young Persons, and Women employed in Workshops; and for other purposes relating thereto.

[21st August, 18[illegible]

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